

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 288**

**Senators Eklund, Kunze**

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**A BILL**

To amend sections 2151.34, 2903.213, 2903.214, 1  
2919.26, 2923.11, 2923.13, 2923.18, 2923.20, 2  
2923.23, 3113.31, and 3113.99, to enact sections 3  
3113.26, 3113.27, 3113.28, 3113.29, and 3113.30, 4  
and to repeal section 2923.14 of the Revised 5  
Code to expand the definition of dangerous 6  
ordnance to include armor piercing ammunition 7  
and expand the definition of an automatic 8  
firearm to include any device within the federal 9  
definition of machine gun; to create additional 10  
conditions under which an individual may not 11  
possess a firearm or dangerous ordnance and to 12  
eliminate the process by which an individual may 13  
apply for relief from a weapons disability; to 14  
generally prohibit a person from buying, 15  
purchasing, obtaining, or furnishing a firearm 16  
on behalf of a third party; to provide for the 17  
entry of protection orders into the federal NCIC 18  
database and LEADS; and to provide for the 19  
issuance by a court of an extreme risk 20  
protection order. 21

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2151.34, 2903.213, 2903.214, 22  
2919.26, 2923.11, 2923.13, 2923.18, 2923.20, 2923.23, 3113.31, 23  
and 3113.99 be amended and sections 3113.26, 3113.27, 3113.28, 24  
3113.29, and 3113.30 of the Revised Code be enacted to read as 25  
follows: 26

**Sec. 2151.34.** (A) As used in this section: 27

(1) "Court" means the juvenile division of the court of 28  
common pleas of the county in which the person to be protected 29  
by the protection order resides. 30

(2) "Victim advocate" means a person who provides support 31  
and assistance for a person who files a petition under this 32  
section. 33

(3) "Family or household member" has the same meaning as 34  
in section 3113.31 of the Revised Code. 35

(4) "Protection order issued by a court of another state" 36  
has the same meaning as in section 2919.27 of the Revised Code. 37

(5) "Petitioner" means a person who files a petition under 38  
this section and includes a person on whose behalf a petition 39  
under this section is filed. 40

(6) "Respondent" means a person who is under eighteen 41  
years of age and against whom a petition is filed under this 42  
section. 43

(7) "Sexually oriented offense" has the same meaning as in 44  
section 2950.01 of the Revised Code. 45

(8) "Electronic monitoring" has the same meaning as in 46  
section 2929.01 of the Revised Code. 47

(9) "Companion animal" has the same meaning as in section 48

959.131 of the Revised Code.	49
(10) "Expunge" has the same meaning as in section 2151.355 of the Revised Code.	50 51
(B) The court has jurisdiction over all proceedings under this section.	52 53
(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court:	54 55
(a) Any person on behalf of that person;	56
(b) Any parent or adult family or household member on behalf of any other family or household member;	57 58
(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.	59 60 61
(2) The petition shall contain or state all of the following:	62 63
(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;	64 65 66 67 68 69 70 71
(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be	72 73 74 75 76

protected was at risk, a description of the nature and extent of 77  
that conduct, and an allegation that the respondent presents a 78  
continuing danger to the person to be protected; 79

(c) A request for relief under this section. 80

(3) The court in its discretion may determine whether or 81  
not to give notice that a petition has been filed under division 82  
(C) (1) of this section on behalf of a child to any of the 83  
following: 84

(a) A parent of the child if the petition was filed by any 85  
person other than a parent of the child; 86

(b) Any person who is determined by the court to be an 87  
appropriate person to receive notice of the filing of the 88  
petition. 89

(D) (1) If a person who files a petition pursuant to this 90  
section requests an ex parte order, the court shall hold an ex 91  
parte hearing as soon as possible after the petition is filed, 92  
but not later than the next day after the court is in session 93  
after the petition is filed. The court, for good cause shown at 94  
the ex parte hearing, may enter any temporary orders, with or 95  
without bond, that the court finds necessary for the safety and 96  
protection of the person to be protected by the order. Immediate 97  
and present danger to the person to be protected by the 98  
protection order constitutes good cause for purposes of this 99  
section. Immediate and present danger includes, but is not 100  
limited to, situations in which the respondent has threatened 101  
the person to be protected by the protection order with bodily 102  
harm or in which the respondent previously has been convicted 103  
of, pleaded guilty to, or been adjudicated a delinquent child 104  
for committing a violation of section 2903.11, 2903.12, 2903.13, 105

2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order.

(2) (a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing

under division (D) (2) (a) of this section or because the court 135  
grants a continuance under that division. 136

(3) If a person who files a petition pursuant to this 137  
section does not request an ex parte order, or if a person 138  
requests an ex parte order but the court does not issue an ex 139  
parte order after an ex parte hearing, the court shall proceed 140  
as in a normal civil action and grant a full hearing on the 141  
matter. 142

(E) (1) (a) After an ex parte or full hearing, the court may 143  
issue any protection order, with or without bond, that contains 144  
terms designed to ensure the safety and protection of the person 145  
to be protected by the protection order. The court may include 146  
within a protection order issued under this section a term 147  
requiring that the respondent not remove, damage, hide, harm, or 148  
dispose of any companion animal owned or possessed by the person 149  
to be protected by the order, and may include within the order a 150  
term authorizing the person to be protected by the order to 151  
remove a companion animal owned by the person to be protected by 152  
the order from the possession of the respondent. 153

(b) After a full hearing, if the court considering a 154  
petition that includes an allegation of the type described in 155  
division (C) (2) (b) of this section or the court, upon its own 156  
motion, finds upon clear and convincing evidence that the 157  
petitioner reasonably believed that the respondent's conduct at 158  
any time preceding the filing of the petition endangered the 159  
health, welfare, or safety of the person to be protected and 160  
that the respondent presents a continuing danger to the person 161  
to be protected and if division (N) of this section does not 162  
prohibit the issuance of an order that the respondent be 163  
electronically monitored, the court may order that the 164

respondent be electronically monitored for a period of time and 165  
under the terms and conditions that the court determines are 166  
appropriate. Electronic monitoring shall be in addition to any 167  
other relief granted to the petitioner. 168

(2) (a) Any protection order issued pursuant to this 169  
section shall be valid until a date certain but not later than 170  
the date the respondent attains nineteen years of age. 171

(b) Any protection order issued pursuant to this section 172  
may be renewed in the same manner as the original order was 173  
issued. 174

(3) A court may not issue a protection order that requires 175  
a petitioner to do or to refrain from doing an act that the 176  
court may require a respondent to do or to refrain from doing 177  
under division (E) (1) of this section unless all of the 178  
following apply: 179

(a) The respondent files a separate petition for a 180  
protection order in accordance with this section. 181

(b) The petitioner is served with notice of the 182  
respondent's petition at least forty-eight hours before the 183  
court holds a hearing with respect to the respondent's petition, 184  
or the petitioner waives the right to receive this notice. 185

(c) If the petitioner has requested an ex parte order 186  
pursuant to division (D) of this section, the court does not 187  
delay any hearing required by that division beyond the time 188  
specified in that division in order to consolidate the hearing 189  
with a hearing on the petition filed by the respondent. 190

(d) After a full hearing at which the respondent presents 191  
evidence in support of the request for a protection order and 192  
the petitioner is afforded an opportunity to defend against that 193

evidence, the court determines that the petitioner has committed 194  
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 195  
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 196  
oriented offense, or a violation of any municipal ordinance that 197  
is substantially equivalent to any of those offenses against the 198  
person to be protected by the protection order issued pursuant 199  
to division (E) (3) of this section, or has violated a protection 200  
order issued pursuant to this section or section 2903.213 of the 201  
Revised Code relative to the person to be protected by the 202  
protection order issued pursuant to division (E) (3) of this 203  
section. 204

(4) No protection order issued pursuant to this section 205  
shall in any manner affect title to any real property. 206

(5) (a) A protection order issued under this section shall 207  
clearly state that the person to be protected by the order 208  
cannot waive or nullify by invitation or consent any requirement 209  
in the order. 210

(b) Division (E) (5) (a) of this section does not limit any 211  
discretion of a court to determine that a respondent alleged to 212  
have violated section 2919.27 of the Revised Code, violated a 213  
municipal ordinance substantially equivalent to that section, or 214  
committed contempt of court, which allegation is based on an 215  
alleged violation of a protection order issued under this 216  
section, did not commit the violation or was not in contempt of 217  
court. 218

(6) Any protection order issued pursuant to this section 219  
shall include a provision that the court will automatically seal 220  
all of the records of the proceeding in which the order is 221  
issued on the date the respondent attains the age of nineteen 222  
years unless the petitioner provides the court with evidence 223

that the respondent has not complied with all of the terms of 224  
the protection order. The protection order shall specify the 225  
date when the respondent attains the age of nineteen years. 226

(F) (1) The court shall cause the delivery of a copy of any 227  
protection order that is issued under this section to the 228  
petitioner, to the respondent, and to all law enforcement 229  
agencies that have jurisdiction to enforce the order. If the 230  
protection order will be valid subsequent to the date on which 231  
the respondent attains eighteen years of age, the order shall be 232  
in a form that ensures that the protection order is accepted 233  
into the protection order database of the national crime 234  
information center (NCIC) maintained by the federal bureau of 235  
investigation. The court shall direct that a copy of the order 236  
be delivered to the respondent and the parent, guardian, or 237  
legal custodian of the respondent on the same day that the order 238  
is entered. 239

(2) Upon the issuance of a protection order under this 240  
section, the court shall provide the parties to the order with 241  
the following notice orally or by form: 242

"NOTICE 243

As a result of this order, it may be unlawful for you to 244  
possess or purchase a firearm, including a rifle, pistol, or 245  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 246  
922(g) (8). If you have any questions whether this law makes it 247  
illegal for you to possess or purchase a firearm or ammunition, 248  
you should consult an attorney." 249

(3) All law enforcement agencies shall establish and 250  
maintain an index for the protection orders delivered to the 251  
agencies pursuant to division (F) (1) of this section. With 252

respect to each order delivered, each agency shall note on the 253  
index the date and time that it received the order. Each 254  
protection order received by a law enforcement agency pursuant 255  
to this section that will be valid subsequent to the date on 256  
which the respondent attains eighteen years of age shall be 257  
entered into the law enforcement automated data system created 258  
by section 5503.10 of the Revised Code, and known as LEADS, 259  
within twenty-four hours after receipt. 260

(4) Regardless of whether the petitioner has registered 261  
the protection order in the county in which the officer's agency 262  
has jurisdiction pursuant to division (M) of this section, any 263  
officer of a law enforcement agency shall enforce a protection 264  
order issued pursuant to this section by any court in this state 265  
in accordance with the provisions of the order, including 266  
removing the respondent from the premises, if appropriate. 267

(G) (1) Any proceeding under this section shall be 268  
conducted in accordance with the Rules of Civil Procedure, 269  
except that a protection order may be obtained under this 270  
section with or without bond. An order issued under this 271  
section, other than an ex parte order, that grants a protection 272  
order, or that refuses to grant a protection order, is a final, 273  
appealable order. The remedies and procedures provided in this 274  
section are in addition to, and not in lieu of, any other 275  
available civil or criminal remedies or any other available 276  
remedies under Chapter 2151. or 2152. of the Revised Code. 277

(2) If as provided in division (G) (1) of this section an 278  
order issued under this section, other than an ex parte order, 279  
refuses to grant a protection order, the court, on its own 280  
motion, shall order that the ex parte order issued under this 281  
section and all of the records pertaining to that ex parte order 282

be expunged after either of the following occurs:	283
(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.	284 285
(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.	286 287 288
(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law.	289 290 291 292
(I) Any law enforcement agency that investigates an alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged commission of a sexually oriented offense, or an alleged violation of a municipal ordinance that is substantially equivalent to any of those offenses shall provide information to the victim and the family or household members of the victim regarding the relief available under this section.	293 294 295 296 297 298 299 300
(J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.	301 302 303 304 305 306 307 308 309 310 311

(2) Regardless of whether a protection order is issued or 312  
a consent agreement is approved pursuant to this section, the 313  
court may assess costs against the respondent in connection with 314  
the filing, issuance, registration, modification, enforcement, 315  
dismissal, withdrawal, or service of a protection order, consent 316  
agreement, or witness subpoena or for obtaining a certified copy 317  
of a protection order or consent agreement. 318

(K) (1) A person who violates a protection order issued 319  
under this section is subject to the following sanctions: 320

(a) A delinquent child proceeding or a criminal 321  
prosecution for a violation of section 2919.27 of the Revised 322  
Code, if the violation of the protection order constitutes a 323  
violation of that section; 324

(b) Punishment for contempt of court. 325

(2) The punishment of a person for contempt of court for 326  
violation of a protection order issued under this section does 327  
not bar criminal prosecution of the person or a delinquent child 328  
proceeding concerning the person for a violation of section 329  
2919.27 of the Revised Code. However, a person punished for 330  
contempt of court is entitled to credit for the punishment 331  
imposed upon conviction of or adjudication as a delinquent child 332  
for a violation of that section, and a person convicted of or 333  
adjudicated a delinquent child for a violation of that section 334  
shall not subsequently be punished for contempt of court arising 335  
out of the same activity. 336

(L) In all stages of a proceeding under this section, a 337  
petitioner may be accompanied by a victim advocate. 338

(M) (1) A petitioner who obtains a protection order under 339  
this section may provide notice of the issuance or approval of 340

the order to the judicial and law enforcement officials in any 341  
county other than the county in which the order is issued by 342  
registering that order in the other county pursuant to division 343  
(M) (2) of this section and filing a copy of the registered order 344  
with a law enforcement agency in the other county in accordance 345  
with that division. A person who obtains a protection order 346  
issued by a court of another state may provide notice of the 347  
issuance of the order to the judicial and law enforcement 348  
officials in any county of this state by registering the order 349  
in that county pursuant to section 2919.272 of the Revised Code 350  
and filing a copy of the registered order with a law enforcement 351  
agency in that county. 352

(2) A petitioner may register a protection order issued 353  
pursuant to this section in a county other than the county in 354  
which the court that issued the order is located in the 355  
following manner: 356

(a) The petitioner shall obtain a certified copy of the 357  
order from the clerk of the court that issued the order and 358  
present that certified copy to the clerk of the court of common 359  
pleas or the clerk of a municipal court or county court in the 360  
county in which the order is to be registered. 361

(b) Upon accepting the certified copy of the order for 362  
registration, the clerk of the court of common pleas, municipal 363  
court, or county court shall place an endorsement of 364  
registration on the order and give the petitioner a copy of the 365  
order that bears that proof of registration. 366

(3) The clerk of each court of common pleas, municipal 367  
court, or county court shall maintain a registry of certified 368  
copies of protection orders that have been issued by courts in 369  
other counties pursuant to this section and that have been 370

registered with the clerk. 371

(N) If the court orders electronic monitoring of the 372  
respondent under this section, the court shall direct the 373  
sheriff's office or any other appropriate law enforcement agency 374  
to install the electronic monitoring device and to monitor the 375  
respondent. Unless the court determines that the respondent is 376  
indigent, the court shall order the respondent to pay the cost 377  
of the installation and monitoring of the electronic monitoring 378  
device. If the court determines that the respondent is indigent 379  
and subject to the maximum amount allowable to be paid in any 380  
year from the fund and the rules promulgated by the attorney 381  
general under section 2903.214 of the Revised Code, the cost of 382  
the installation and monitoring of the electronic monitoring 383  
device may be paid out of funds from the reparations fund 384  
created pursuant to section 2743.191 of the Revised Code. The 385  
total amount paid from the reparations fund created pursuant to 386  
section 2743.191 of the Revised Code for electronic monitoring 387  
under this section and sections 2903.214 and 2919.27 of the 388  
Revised Code shall not exceed three hundred thousand dollars per 389  
year. When the total amount paid from the reparations fund in 390  
any year for electronic monitoring under those sections equals 391  
or exceeds three hundred thousand dollars, the court shall not 392  
order pursuant to this section that an indigent respondent be 393  
electronically monitored. 394

(O) The court, in its discretion, may determine if the 395  
respondent is entitled to court-appointed counsel in a 396  
proceeding under this section. 397

**Sec. 2903.213.** (A) Except when the complaint involves a 398  
person who is a family or household member as defined in section 399  
2919.25 of the Revised Code, upon the filing of a complaint that 400

alleges a violation of section 2903.11, 2903.12, 2903.13, 401  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 402  
violation of a municipal ordinance substantially similar to 403  
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 404  
Revised Code, or the commission of a sexually oriented offense, 405  
the complainant, the alleged victim, or a family or household 406  
member of an alleged victim may file a motion that requests the 407  
issuance of a protection order as a pretrial condition of 408  
release of the alleged offender, in addition to any bail set 409  
under Criminal Rule 46. The motion shall be filed with the clerk 410  
of the court that has jurisdiction of the case at any time after 411  
the filing of the complaint. If the complaint involves a person 412  
who is a family or household member, the complainant, the 413  
alleged victim, or the family or household member may file a 414  
motion for a temporary protection order pursuant to section 415  
2919.26 of the Revised Code. 416

(B) A motion for a protection order under this section 417  
shall be prepared on a form that is provided by the clerk of the 418  
court, and the form shall be substantially as follows: 419

"Motion for Protection Order 420

..... 421

Name and address of court 422

423

State of Ohio 424

v. No. .... 425

..... 426

Name of Defendant 427

(Name of person), moves the court to issue a protection order 428

containing terms designed to ensure the safety and protection of 429  
the complainant or the alleged victim in the above-captioned 430  
case, in relation to the named defendant, pursuant to its 431  
authority to issue a protection order under section 2903.213 of 432  
the Revised Code. 433

A complaint, a copy of which has been attached to this 434  
motion, has been filed in this court charging the named 435  
defendant with a violation of section 2903.11, 2903.12, 2903.13, 436  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 437  
violation of a municipal ordinance substantially similar to 438  
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 439  
Revised Code, or the commission of a sexually oriented offense. 440

I understand that I must appear before the court, at a 441  
time set by the court not later than the next day that the court 442  
is in session after the filing of this motion, for a hearing on 443  
the motion, and that any protection order granted pursuant to 444  
this motion is a pretrial condition of release and is effective 445  
only until the disposition of the criminal proceeding arising 446  
out of the attached complaint or until the issuance under 447  
section 2903.214 of the Revised Code of a protection order 448  
arising out of the same activities as those that were the basis 449  
of the attached complaint. 450

..... 451

Signature of person 452

..... 453

Address of person" 454

(C) (1) As soon as possible after the filing of a motion 455  
that requests the issuance of a protection order under this 456  
section, but not later than the next day that the court is in 457

session after the filing of the motion, the court shall conduct 458  
a hearing to determine whether to issue the order. The person 459  
who requested the order shall appear before the court and 460  
provide the court with the information that it requests 461  
concerning the basis of the motion. If the court finds that the 462  
safety and protection of the complainant or the alleged victim 463  
may be impaired by the continued presence of the alleged 464  
offender, the court may issue a protection order under this 465  
section, as a pretrial condition of release, that contains terms 466  
designed to ensure the safety and protection of the complainant 467  
or the alleged victim, including a requirement that the alleged 468  
offender refrain from entering the residence, school, business, 469  
or place of employment of the complainant or the alleged victim. 470  
The court may include within a protection order issued under 471  
this section a term requiring that the alleged offender not 472  
remove, damage, hide, harm, or dispose of any companion animal 473  
owned or possessed by the complainant or the alleged victim, and 474  
may include within the order a term authorizing the complainant 475  
or the alleged victim to remove a companion animal owned by the 476  
complainant or the alleged victim from the possession of the 477  
alleged offender. 478

(2) (a) If the court issues a protection order under this 479  
section that includes a requirement that the alleged offender 480  
refrain from entering the residence, school, business, or place 481  
of employment of the complainant or the alleged victim, the 482  
order shall clearly state that the order cannot be waived or 483  
nullified by an invitation to the alleged offender from the 484  
complainant, the alleged victim, or a family or household member 485  
to enter the residence, school, business, or place of employment 486  
or by the alleged offender's entry into one of those places 487  
otherwise upon the consent of the complainant, the alleged 488

victim, or a family or household member. 489

(b) Division (C) (2) (a) of this section does not limit any 490  
discretion of a court to determine that an alleged offender 491  
charged with a violation of section 2919.27 of the Revised Code, 492  
with a violation of a municipal ordinance substantially 493  
equivalent to that section, or with contempt of court, which 494  
charge is based on an alleged violation of a protection order 495  
issued under this section, did not commit the violation or was 496  
not in contempt of court. 497

(D) (1) Except when the complaint involves a person who is 498  
a family or household member as defined in section 2919.25 of 499  
the Revised Code, upon the filing of a complaint that alleges a 500  
violation specified in division (A) of this section, the court, 501  
upon its own motion, may issue a protection order under this 502  
section as a pretrial condition of release of the alleged 503  
offender if it finds that the safety and protection of the 504  
complainant or the alleged victim may be impaired by the 505  
continued presence of the alleged offender. 506

(2) (a) If the court issues a protection order under this 507  
section as an ex parte order, it shall conduct, as soon as 508  
possible after the issuance of the order but not later than the 509  
next day that the court is in session after its issuance, a 510  
hearing to determine whether the order should remain in effect, 511  
be modified, or be revoked. The hearing shall be conducted under 512  
the standards set forth in division (C) of this section. 513

(b) If at a hearing conducted under division (D) (2) (a) of 514  
this section the court determines that the ex parte order that 515  
the court issued should be revoked, the court, on its own 516  
motion, shall order that the ex parte order that is revoked and 517  
all of the records pertaining to that ex parte order be 518

expunged. 519

(3) If a municipal court or a county court issues a 520  
protection order under this section and if, subsequent to the 521  
issuance of the order, the alleged offender who is the subject 522  
of the order is bound over to the court of common pleas for 523  
prosecution of a felony arising out of the same activities as 524  
those that were the basis of the complaint upon which the order 525  
is based, notwithstanding the fact that the order was issued by 526  
a municipal court or county court, the order shall remain in 527  
effect, as though it were an order of the court of common pleas, 528  
while the charges against the alleged offender are pending in 529  
the court of common pleas, for the period of time described in 530  
division (E) (2) of this section, and the court of common pleas 531  
has exclusive jurisdiction to modify the order issued by the 532  
municipal court or county court. This division applies when the 533  
alleged offender is bound over to the court of common pleas as a 534  
result of the person waiving a preliminary hearing on the felony 535  
charge, as a result of the municipal court or county court 536  
having determined at a preliminary hearing that there is 537  
probable cause to believe that the felony has been committed and 538  
that the alleged offender committed it, as a result of the 539  
alleged offender having been indicted for the felony, or in any 540  
other manner. 541

(E) A protection order that is issued as a pretrial 542  
condition of release under this section: 543

(1) Is in addition to, but shall not be construed as a 544  
part of, any bail set under Criminal Rule 46; 545

(2) Is effective only until the disposition, by the court 546  
that issued the order or, in the circumstances described in 547  
division (D) (3) of this section, by the court of common pleas to 548

which the alleged offender is bound over for prosecution, of the 549  
criminal proceeding arising out of the complaint upon which the 550  
order is based or until the issuance under section 2903.214 of 551  
the Revised Code of a protection order arising out of the same 552  
activities as those that were the basis of the complaint filed 553  
under this section; 554

(3) Shall not be construed as a finding that the alleged 555  
offender committed the alleged offense and shall not be 556  
introduced as evidence of the commission of the offense at the 557  
trial of the alleged offender on the complaint upon which the 558  
order is based. 559

(F) A person who meets the criteria for bail under 560  
Criminal Rule 46 and who, if required to do so pursuant to that 561  
rule, executes or posts bond or deposits cash or securities as 562  
bail, shall not be held in custody pending a hearing before the 563  
court on a motion requesting a protection order under this 564  
section. 565

(G) (1) A copy of a protection order that is issued under 566  
this section shall be issued by the court to the complainant, to 567  
the alleged victim, to the person who requested the order, to 568  
the defendant, and to all law enforcement agencies that have 569  
jurisdiction to enforce the order. The protection order shall be 570  
in a form that ensures that the protection order is accepted 571  
into the protection order database of the national crime 572  
information center (NCIC) maintained by the federal bureau of 573  
investigation. The court shall direct that a copy of the order 574  
be delivered to the defendant on the same day that the order is 575  
entered. If a municipal court or a county court issues a 576  
protection order under this section and if, subsequent to the 577  
issuance of the order, the defendant who is the subject of the 578

order is bound over to the court of common pleas for prosecution 579  
as described in division (D) (3) of this section, the municipal 580  
court or county court shall direct that a copy of the order be 581  
delivered to the court of common pleas to which the defendant is 582  
bound over. 583

(2) All law enforcement agencies shall establish and 584  
maintain an index for the protection orders delivered to the 585  
agencies pursuant to division (G) (1) of this section. With 586  
respect to each order delivered, each agency shall note on the 587  
index the date and time of the agency's receipt of the order. 588  
Each protection order received by a law enforcement agency 589  
pursuant to this section shall be entered into the law 590  
enforcement automated data system created by section 5503.10 of 591  
the Revised Code, and known as LEADS, within twenty-four hours 592  
after receipt. 593

(3) Regardless of whether the petitioner has registered 594  
the protection order in the county in which the officer's agency 595  
has jurisdiction, any officer of a law enforcement agency shall 596  
enforce a protection order issued pursuant to this section in 597  
accordance with the provisions of the order. 598

(H) Upon a violation of a protection order issued pursuant 599  
to this section, the court may issue another protection order 600  
under this section, as a pretrial condition of release, that 601  
modifies the terms of the order that was violated. 602

(I) (1) Subject to division (I) (2) of this section and 603  
regardless of whether a protection order is issued or a consent 604  
agreement is approved by a court of another county or by a court 605  
of another state, no court or unit of state or local government 606  
shall charge the movant any fee, cost, deposit, or money in 607  
connection with the filing of a motion pursuant to this section, 608

in connection with the filing, issuance, registration, 609  
modification, enforcement, dismissal, withdrawal, or service of 610  
a protection order, consent agreement, or witness subpoena or 611  
for obtaining certified copies of a protection order or consent 612  
agreement. 613

(2) Regardless of whether a protection order is issued or 614  
a consent agreement is approved pursuant to this section, if the 615  
defendant is convicted the court may assess costs against the 616  
defendant in connection with the filing, issuance, registration, 617  
modification, enforcement, dismissal, withdrawal, or service of 618  
a protection order, consent agreement, or witness subpoena or 619  
for obtaining a certified copy of a protection order or consent 620  
agreement. 621

(J) As used in this section: 622

(1) "Sexually oriented offense" has the same meaning as in 623  
section 2950.01 of the Revised Code. 624

(2) "Companion animal" has the same meaning as in section 625  
959.131 of the Revised Code. 626

(3) "Expunge" means to destroy, delete, and erase a 627  
record, as appropriate for the record's physical or electronic 628  
form or characteristic, so that the record is permanently 629  
irretrievable. 630

**Sec. 2903.214.** (A) As used in this section: 631

(1) "Court" means the court of common pleas of the county 632  
in which the person to be protected by the protection order 633  
resides. 634

(2) "Victim advocate" means a person who provides support 635  
and assistance for a person who files a petition under this 636

section. 637

(3) "Family or household member" has the same meaning as 638  
in section 3113.31 of the Revised Code. 639

(4) "Protection order issued by a court of another state" 640  
has the same meaning as in section 2919.27 of the Revised Code. 641

(5) "Sexually oriented offense" has the same meaning as in 642  
section 2950.01 of the Revised Code. 643

(6) "Electronic monitoring" has the same meaning as in 644  
section 2929.01 of the Revised Code. 645

(7) "Companion animal" has the same meaning as in section 646  
959.131 of the Revised Code. 647

(8) "Expunge" has the same meaning as in section 2903.213 648  
of the Revised Code. 649

(B) The court has jurisdiction over all proceedings under 650  
this section. 651

(C) A person may seek relief under this section for the 652  
person, or any parent or adult household member may seek relief 653  
under this section on behalf of any other family or household 654  
member, by filing a petition with the court. The petition shall 655  
contain or state all of the following: 656

(1) An allegation that the respondent is eighteen years of 657  
age or older and engaged in a violation of section 2903.211 of 658  
the Revised Code against the person to be protected by the 659  
protection order or committed a sexually oriented offense 660  
against the person to be protected by the protection order, 661  
including a description of the nature and extent of the 662  
violation; 663

(2) If the petitioner seeks relief in the form of 664  
electronic monitoring of the respondent, an allegation that at 665  
any time preceding the filing of the petition the respondent 666  
engaged in conduct that would cause a reasonable person to 667  
believe that the health, welfare, or safety of the person to be 668  
protected was at risk, a description of the nature and extent of 669  
that conduct, and an allegation that the respondent presents a 670  
continuing danger to the person to be protected; 671

(3) A request for relief under this section. 672

(D) (1) If a person who files a petition pursuant to this 673  
section requests an ex parte order, the court shall hold an ex 674  
parte hearing as soon as possible after the petition is filed, 675  
but not later than the next day that the court is in session 676  
after the petition is filed. The court, for good cause shown at 677  
the ex parte hearing, may enter any temporary orders, with or 678  
without bond, that the court finds necessary for the safety and 679  
protection of the person to be protected by the order. Immediate 680  
and present danger to the person to be protected by the 681  
protection order constitutes good cause for purposes of this 682  
section. Immediate and present danger includes, but is not 683  
limited to, situations in which the respondent has threatened 684  
the person to be protected by the protection order with bodily 685  
harm or in which the respondent previously has been convicted of 686  
or pleaded guilty to a violation of section 2903.211 of the 687  
Revised Code or a sexually oriented offense against the person 688  
to be protected by the protection order. 689

(2) (a) If the court, after an ex parte hearing, issues a 690  
protection order described in division (E) of this section, the 691  
court shall schedule a full hearing for a date that is within 692  
ten court days after the ex parte hearing. The court shall give 693

the respondent notice of, and an opportunity to be heard at, the 694  
full hearing. The court shall hold the full hearing on the date 695  
scheduled under this division unless the court grants a 696  
continuance of the hearing in accordance with this division. 697  
Under any of the following circumstances or for any of the 698  
following reasons, the court may grant a continuance of the full 699  
hearing to a reasonable time determined by the court: 700

(i) Prior to the date scheduled for the full hearing under 701  
this division, the respondent has not been served with the 702  
petition filed pursuant to this section and notice of the full 703  
hearing. 704

(ii) The parties consent to the continuance. 705

(iii) The continuance is needed to allow a party to obtain 706  
counsel. 707

(iv) The continuance is needed for other good cause. 708

(b) An ex parte order issued under this section does not 709  
expire because of a failure to serve notice of the full hearing 710  
upon the respondent before the date set for the full hearing 711  
under division (D) (2) (a) of this section or because the court 712  
grants a continuance under that division. 713

(3) If a person who files a petition pursuant to this 714  
section does not request an ex parte order, or if a person 715  
requests an ex parte order but the court does not issue an ex 716  
parte order after an ex parte hearing, the court shall proceed 717  
as in a normal civil action and grant a full hearing on the 718  
matter. 719

(E) (1) (a) After an ex parte or full hearing, the court may 720  
issue any protection order, with or without bond, that contains 721  
terms designed to ensure the safety and protection of the person 722

to be protected by the protection order, including, but not 723  
limited to, a requirement that the respondent refrain from 724  
entering the residence, school, business, or place of employment 725  
of the petitioner or family or household member. If the court 726  
includes a requirement that the respondent refrain from entering 727  
the residence, school, business, or place of employment of the 728  
petitioner or family or household member in the order, it also 729  
shall include in the order provisions of the type described in 730  
division (E) (5) of this section. The court may include within a 731  
protection order issued under this section a term requiring that 732  
the respondent not remove, damage, hide, harm, or dispose of any 733  
companion animal owned or possessed by the person to be 734  
protected by the order, and may include within the order a term 735  
authorizing the person to be protected by the order to remove a 736  
companion animal owned by the person to be protected by the 737  
order from the possession of the respondent. 738

(b) After a full hearing, if the court considering a 739  
petition that includes an allegation of the type described in 740  
division (C) (2) of this section, or the court upon its own 741  
motion, finds upon clear and convincing evidence that the 742  
petitioner reasonably believed that the respondent's conduct at 743  
any time preceding the filing of the petition endangered the 744  
health, welfare, or safety of the person to be protected and 745  
that the respondent presents a continuing danger to the person 746  
to be protected, the court may order that the respondent be 747  
electronically monitored for a period of time and under the 748  
terms and conditions that the court determines are appropriate. 749  
Electronic monitoring shall be in addition to any other relief 750  
granted to the petitioner. 751

(2) (a) Any protection order issued pursuant to this 752  
section shall be valid until a date certain but not later than 753

five years from the date of its issuance. 754

(b) Any protection order issued pursuant to this section 755  
may be renewed in the same manner as the original order was 756  
issued. 757

(3) A court may not issue a protection order that requires 758  
a petitioner to do or to refrain from doing an act that the 759  
court may require a respondent to do or to refrain from doing 760  
under division (E) (1) of this section unless all of the 761  
following apply: 762

(a) The respondent files a separate petition for a 763  
protection order in accordance with this section. 764

(b) The petitioner is served with notice of the 765  
respondent's petition at least forty-eight hours before the 766  
court holds a hearing with respect to the respondent's petition, 767  
or the petitioner waives the right to receive this notice. 768

(c) If the petitioner has requested an ex parte order 769  
pursuant to division (D) of this section, the court does not 770  
delay any hearing required by that division beyond the time 771  
specified in that division in order to consolidate the hearing 772  
with a hearing on the petition filed by the respondent. 773

(d) After a full hearing at which the respondent presents 774  
evidence in support of the request for a protection order and 775  
the petitioner is afforded an opportunity to defend against that 776  
evidence, the court determines that the petitioner has committed 777  
a violation of section 2903.211 of the Revised Code against the 778  
person to be protected by the protection order issued pursuant 779  
to division (E) (3) of this section, has committed a sexually 780  
oriented offense against the person to be protected by the 781  
protection order issued pursuant to division (E) (3) of this 782

section, or has violated a protection order issued pursuant to 783  
section 2903.213 of the Revised Code relative to the person to 784  
be protected by the protection order issued pursuant to division 785  
(E) (3) of this section. 786

(4) No protection order issued pursuant to this section 787  
shall in any manner affect title to any real property. 788

(5) (a) If the court issues a protection order under this 789  
section that includes a requirement that the alleged offender 790  
refrain from entering the residence, school, business, or place 791  
of employment of the petitioner or a family or household member, 792  
the order shall clearly state that the order cannot be waived or 793  
nullified by an invitation to the alleged offender from the 794  
complainant to enter the residence, school, business, or place 795  
of employment or by the alleged offender's entry into one of 796  
those places otherwise upon the consent of the petitioner or 797  
family or household member. 798

(b) Division (E) (5) (a) of this section does not limit any 799  
discretion of a court to determine that an alleged offender 800  
charged with a violation of section 2919.27 of the Revised Code, 801  
with a violation of a municipal ordinance substantially 802  
equivalent to that section, or with contempt of court, which 803  
charge is based on an alleged violation of a protection order 804  
issued under this section, did not commit the violation or was 805  
not in contempt of court. 806

(F) (1) The court shall cause the delivery of a copy of any 807  
protection order that is issued under this section to the 808  
petitioner, to the respondent, and to all law enforcement 809  
agencies that have jurisdiction to enforce the order. The 810  
protection order shall be in a form that ensures that the 811  
protection order is accepted into the protection order database 812

of the national crime information center (NCIC) maintained by 813  
the federal bureau of investigation. The court shall direct that 814  
a copy of the order be delivered to the respondent on the same 815  
day that the order is entered. 816

(2) Upon the issuance of a protection order under this 817  
section, the court shall provide the parties to the order with 818  
the following notice orally or by form: 819

"NOTICE 820

As a result of this order, it may be unlawful for you to 821  
possess or purchase a firearm, including a rifle, pistol, or 822  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 823  
922(g) (8). If you have any questions whether this law makes it 824  
illegal for you to possess or purchase a firearm or ammunition, 825  
you should consult an attorney." 826

(3) All law enforcement agencies shall establish and 827  
maintain an index for the protection orders delivered to the 828  
agencies pursuant to division (F) (1) of this section. With 829  
respect to each order delivered, each agency shall note on the 830  
index the date and time that it received the order. Each 831  
protection order received by a law enforcement agency pursuant 832  
to this section shall be entered into the law enforcement 833  
automated data system created by section 5503.10 of the Revised 834  
Code, and known as LEADS, within twenty-four hours after 835  
receipt. 836

(4) Regardless of whether the petitioner has registered 837  
the protection order in the county in which the officer's agency 838  
has jurisdiction pursuant to division (M) of this section, any 839  
officer of a law enforcement agency shall enforce a protection 840  
order issued pursuant to this section by any court in this state 841

in accordance with the provisions of the order, including 842  
removing the respondent from the premises, if appropriate. 843

(G) (1) Any proceeding under this section shall be 844  
conducted in accordance with the Rules of Civil Procedure, 845  
except that a protection order may be obtained under this 846  
section with or without bond. An order issued under this 847  
section, other than an ex parte order, that grants a protection 848  
order, or that refuses to grant a protection order, is a final, 849  
appealable order. The remedies and procedures provided in this 850  
section are in addition to, and not in lieu of, any other 851  
available civil or criminal remedies. 852

(2) If as provided in division (G) (1) of this section an 853  
order issued under this section, other than an ex parte order, 854  
refuses to grant a protection order, the court, on its own 855  
motion, shall order that the ex parte order issued under this 856  
section and all of the records pertaining to that ex parte order 857  
be expunged after either of the following occurs: 858

(a) The period of the notice of appeal from the order that 859  
refuses to grant a protection order has expired. 860

(b) The order that refuses to grant the protection order 861  
is appealed and an appellate court to which the last appeal of 862  
that order is taken affirms the order. 863

(H) The filing of proceedings under this section does not 864  
excuse a person from filing any report or giving any notice 865  
required by section 2151.421 of the Revised Code or by any other 866  
law. 867

(I) Any law enforcement agency that investigates an 868  
alleged violation of section 2903.211 of the Revised Code or an 869  
alleged commission of a sexually oriented offense shall provide 870

information to the victim and the family or household members of 871  
the victim regarding the relief available under this section and 872  
section 2903.213 of the Revised Code. 873

(J) (1) Subject to division (J) (2) of this section and 874  
regardless of whether a protection order is issued or a consent 875  
agreement is approved by a court of another county or by a court 876  
of another state, no court or unit of state or local government 877  
shall charge the petitioner any fee, cost, deposit, or money in 878  
connection with the filing of a petition pursuant to this 879  
section, in connection with the filing, issuance, registration, 880  
modification, enforcement, dismissal, withdrawal, or service of 881  
a protection order, consent agreement, or witness subpoena or 882  
for obtaining a certified copy of a protection order or consent 883  
agreement. 884

(2) Regardless of whether a protection order is issued or 885  
a consent agreement is approved pursuant to this section, the 886  
court may assess costs against the respondent in connection with 887  
the filing, issuance, registration, modification, enforcement, 888  
dismissal, withdrawal, or service of a protection order, consent 889  
agreement, or witness subpoena or for obtaining a certified copy 890  
of a protection order or consent agreement. 891

(K) (1) A person who violates a protection order issued 892  
under this section is subject to the following sanctions: 893

(a) Criminal prosecution for a violation of section 894  
2919.27 of the Revised Code, if the violation of the protection 895  
order constitutes a violation of that section; 896

(b) Punishment for contempt of court. 897

(2) The punishment of a person for contempt of court for 898  
violation of a protection order issued under this section does 899

not bar criminal prosecution of the person for a violation of 900  
section 2919.27 of the Revised Code. However, a person punished 901  
for contempt of court is entitled to credit for the punishment 902  
imposed upon conviction of a violation of that section, and a 903  
person convicted of a violation of that section shall not 904  
subsequently be punished for contempt of court arising out of 905  
the same activity. 906

(L) In all stages of a proceeding under this section, a 907  
petitioner may be accompanied by a victim advocate. 908

(M) (1) A petitioner who obtains a protection order under 909  
this section or a protection order under section 2903.213 of the 910  
Revised Code may provide notice of the issuance or approval of 911  
the order to the judicial and law enforcement officials in any 912  
county other than the county in which the order is issued by 913  
registering that order in the other county pursuant to division 914  
(M) (2) of this section and filing a copy of the registered order 915  
with a law enforcement agency in the other county in accordance 916  
with that division. A person who obtains a protection order 917  
issued by a court of another state may provide notice of the 918  
issuance of the order to the judicial and law enforcement 919  
officials in any county of this state by registering the order 920  
in that county pursuant to section 2919.272 of the Revised Code 921  
and filing a copy of the registered order with a law enforcement 922  
agency in that county. 923

(2) A petitioner may register a protection order issued 924  
pursuant to this section or section 2903.213 of the Revised Code 925  
in a county other than the county in which the court that issued 926  
the order is located in the following manner: 927

(a) The petitioner shall obtain a certified copy of the 928  
order from the clerk of the court that issued the order and 929

present that certified copy to the clerk of the court of common 930  
pleas or the clerk of a municipal court or county court in the 931  
county in which the order is to be registered. 932

(b) Upon accepting the certified copy of the order for 933  
registration, the clerk of the court of common pleas, municipal 934  
court, or county court shall place an endorsement of 935  
registration on the order and give the petitioner a copy of the 936  
order that bears that proof of registration. 937

(3) The clerk of each court of common pleas, municipal 938  
court, or county court shall maintain a registry of certified 939  
copies of protection orders that have been issued by courts in 940  
other counties pursuant to this section or section 2903.213 of 941  
the Revised Code and that have been registered with the clerk. 942

(N) (1) If the court orders electronic monitoring of the 943  
respondent under this section, the court shall direct the 944  
sheriff's office or any other appropriate law enforcement agency 945  
to install the electronic monitoring device and to monitor the 946  
respondent. Unless the court determines that the respondent is 947  
indigent, the court shall order the respondent to pay the cost 948  
of the installation and monitoring of the electronic monitoring 949  
device. If the court determines that the respondent is indigent 950  
and subject to the maximum amount allowable to be paid in any 951  
year from the fund and the rules promulgated by the attorney 952  
general under division (N) (2) of this section, the cost of the 953  
installation and monitoring of the electronic monitoring device 954  
may be paid out of funds from the reparations fund created 955  
pursuant to section 2743.191 of the Revised Code. The total 956  
amount of costs for the installation and monitoring of 957  
electronic monitoring devices paid pursuant to this division and 958  
sections 2151.34 and 2919.27 of the Revised Code from the 959

reparations fund shall not exceed three hundred thousand dollars 960  
per year. 961

(2) The attorney general may promulgate rules pursuant to 962  
section 111.15 of the Revised Code to govern payments made from 963  
the reparations fund pursuant to this division and sections 964  
2151.34 and 2919.27 of the Revised Code. The rules may include 965  
reasonable limits on the total cost paid pursuant to this 966  
division and sections 2151.34 and 2919.27 of the Revised Code 967  
per respondent, the amount of the three hundred thousand dollars 968  
allocated to each county, and how invoices may be submitted by a 969  
county, court, or other entity. 970

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 971  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 972  
2911.211 of the Revised Code if the alleged victim of the 973  
violation was a family or household member at the time of the 974  
violation, a violation of a municipal ordinance that is 975  
substantially similar to any of those sections if the alleged 976  
victim of the violation was a family or household member at the 977  
time of the violation, any offense of violence if the alleged 978  
victim of the offense was a family or household member at the 979  
time of the commission of the offense, or any sexually oriented 980  
offense if the alleged victim of the offense was a family or 981  
household member at the time of the commission of the offense, 982  
the complainant, the alleged victim, or a family or household 983  
member of an alleged victim may file, or, if in an emergency the 984  
alleged victim is unable to file, a person who made an arrest 985  
for the alleged violation or offense under section 2935.03 of 986  
the Revised Code may file on behalf of the alleged victim, a 987  
motion that requests the issuance of a temporary protection 988  
order as a pretrial condition of release of the alleged 989  
offender, in addition to any bail set under Criminal Rule 46. 990

The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint.

(2) For purposes of section 2930.09 of the Revised Code, all stages of a proceeding arising out of a complaint alleging the commission of a violation, offense of violence, or sexually oriented offense described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v. No. ....

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this 1018  
motion, has been filed in this court charging the named 1019  
defendant with ..... (name of the specified 1020  
violation, the offense of violence, or sexually oriented offense 1021  
charged) in circumstances in which the victim was a family or 1022  
household member in violation of (section of the Revised Code 1023  
designating the specified violation, offense of violence, or 1024  
sexually oriented offense charged), or charging the named 1025  
defendant with a violation of a municipal ordinance that is 1026  
substantially similar to ..... (section of 1027  
the Revised Code designating the specified violation, offense of 1028  
violence, or sexually oriented offense charged) involving a 1029  
family or household member. 1030

I understand that I must appear before the court, at a 1031  
time set by the court within twenty-four hours after the filing 1032  
of this motion, for a hearing on the motion or that, if I am 1033  
unable to appear because of hospitalization or a medical 1034  
condition resulting from the offense alleged in the complaint, a 1035  
person who can provide information about my need for a temporary 1036  
protection order must appear before the court in lieu of my 1037  
appearing in court. I understand that any temporary protection 1038  
order granted pursuant to this motion is a pretrial condition of 1039  
release and is effective only until the disposition of the 1040  
criminal proceeding arising out of the attached complaint, or 1041  
the issuance of a civil protection order or the approval of a 1042  
consent agreement, arising out of the same activities as those 1043  
that were the basis of the complaint, under section 3113.31 of 1044  
the Revised Code. 1045

..... 1046

Signature of person 1047

(or signature of the arresting officer who filed the 1048  
motion on behalf of the alleged victim) 1049  
..... 1050  
Address of person (or office address of the arresting 1051  
officer who filed the motion on behalf of the alleged victim)" 1052  
(C) (1) As soon as possible after the filing of a motion 1053  
that requests the issuance of a temporary protection order, but 1054  
not later than twenty-four hours after the filing of the motion, 1055  
the court shall conduct a hearing to determine whether to issue 1056  
the order. The person who requested the order shall appear 1057  
before the court and provide the court with the information that 1058  
it requests concerning the basis of the motion. If the person 1059  
who requested the order is unable to appear and if the court 1060  
finds that the failure to appear is because of the person's 1061  
hospitalization or medical condition resulting from the offense 1062  
alleged in the complaint, another person who is able to provide 1063  
the court with the information it requests may appear in lieu of 1064  
the person who requested the order. If the court finds that the 1065  
safety and protection of the complainant, alleged victim, or any 1066  
other family or household member of the alleged victim may be 1067  
impaired by the continued presence of the alleged offender, the 1068  
court may issue a temporary protection order, as a pretrial 1069  
condition of release, that contains terms designed to ensure the 1070  
safety and protection of the complainant, alleged victim, or the 1071  
family or household member, including a requirement that the 1072  
alleged offender refrain from entering the residence, school, 1073  
business, or place of employment of the complainant, alleged 1074  
victim, or the family or household member. The court may include 1075  
within a protection order issued under this section a term 1076  
requiring that the alleged offender not remove, damage, hide, 1077

harm, or dispose of any companion animal owned or possessed by 1078  
the complainant, alleged victim, or any other family or 1079  
household member of the alleged victim, and may include within 1080  
the order a term authorizing the complainant, alleged victim, or 1081  
other family or household member of the alleged victim to remove 1082  
a companion animal owned by the complainant, alleged victim, or 1083  
other family or household member from the possession of the 1084  
alleged offender. 1085

(2) (a) If the court issues a temporary protection order 1086  
that includes a requirement that the alleged offender refrain 1087  
from entering the residence, school, business, or place of 1088  
employment of the complainant, the alleged victim, or the family 1089  
or household member, the order shall state clearly that the 1090  
order cannot be waived or nullified by an invitation to the 1091  
alleged offender from the complainant, alleged victim, or family 1092  
or household member to enter the residence, school, business, or 1093  
place of employment or by the alleged offender's entry into one 1094  
of those places otherwise upon the consent of the complainant, 1095  
alleged victim, or family or household member. 1096

(b) Division (C) (2) (a) of this section does not limit any 1097  
discretion of a court to determine that an alleged offender 1098  
charged with a violation of section 2919.27 of the Revised Code, 1099  
with a violation of a municipal ordinance substantially 1100  
equivalent to that section, or with contempt of court, which 1101  
charge is based on an alleged violation of a temporary 1102  
protection order issued under this section, did not commit the 1103  
violation or was not in contempt of court. 1104

(D) (1) Upon the filing of a complaint that alleges a 1105  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1106  
the Revised Code if the alleged victim of the violation was a 1107

family or household member at the time of the violation, a 1108  
violation of a municipal ordinance that is substantially similar 1109  
to any of those sections if the alleged victim of the violation 1110  
was a family or household member at the time of the violation, 1111  
any offense of violence if the alleged victim of the offense was 1112  
a family or household member at the time of the commission of 1113  
the offense, or any sexually oriented offense if the alleged 1114  
victim of the offense was a family or household member at the 1115  
time of the commission of the offense, the court, upon its own 1116  
motion, may issue a temporary protection order as a pretrial 1117  
condition of release if it finds that the safety and protection 1118  
of the complainant, alleged victim, or other family or household 1119  
member of the alleged offender may be impaired by the continued 1120  
presence of the alleged offender. 1121

(2) (a) If the court issues a temporary protection order 1122  
under this section as an ex parte order, it shall conduct, as 1123  
soon as possible after the issuance of the order, a hearing in 1124  
the presence of the alleged offender not later than the next day 1125  
on which the court is scheduled to conduct business after the 1126  
day on which the alleged offender was arrested or at the time of 1127  
the appearance of the alleged offender pursuant to summons to 1128  
determine whether the order should remain in effect, be 1129  
modified, or be revoked. The hearing shall be conducted under 1130  
the standards set forth in division (C) of this section. 1131

(b) If at a hearing conducted under division (D) (2) (a) of 1132  
this section the court determines that the ex parte order that 1133  
the court issued should be revoked, the court, on its own 1134  
motion, shall order that the ex parte order that is revoked and 1135  
all of the records pertaining to that ex parte order be 1136  
expunged. 1137

(3) An order issued under this section shall contain only 1138  
those terms authorized in orders issued under division (C) of 1139  
this section. 1140

(4) If a municipal court or a county court issues a 1141  
temporary protection order under this section and if, subsequent 1142  
to the issuance of the order, the alleged offender who is the 1143  
subject of the order is bound over to the court of common pleas 1144  
for prosecution of a felony arising out of the same activities 1145  
as those that were the basis of the complaint upon which the 1146  
order is based, notwithstanding the fact that the order was 1147  
issued by a municipal court or county court, the order shall 1148  
remain in effect, as though it were an order of the court of 1149  
common pleas, while the charges against the alleged offender are 1150  
pending in the court of common pleas, for the period of time 1151  
described in division (E)(2) of this section, and the court of 1152  
common pleas has exclusive jurisdiction to modify the order 1153  
issued by the municipal court or county court. This division 1154  
applies when the alleged offender is bound over to the court of 1155  
common pleas as a result of the person waiving a preliminary 1156  
hearing on the felony charge, as a result of the municipal court 1157  
or county court having determined at a preliminary hearing that 1158  
there is probable cause to believe that the felony has been 1159  
committed and that the alleged offender committed it, as a 1160  
result of the alleged offender having been indicted for the 1161  
felony, or in any other manner. 1162

(E) A temporary protection order that is issued as a 1163  
pretrial condition of release under this section: 1164

(1) Is in addition to, but shall not be construed as a 1165  
part of, any bail set under Criminal Rule 46; 1166

(2) Is effective only until the occurrence of either of 1167

the following: 1168

(a) The disposition, by the court that issued the order 1169  
or, in the circumstances described in division (D)(4) of this 1170  
section, by the court of common pleas to which the alleged 1171  
offender is bound over for prosecution, of the criminal 1172  
proceeding arising out of the complaint upon which the order is 1173  
based; 1174

(b) The issuance of a protection order or the approval of 1175  
a consent agreement, arising out of the same activities as those 1176  
that were the basis of the complaint upon which the order is 1177  
based, under section 3113.31 of the Revised Code. 1178

(3) Shall not be construed as a finding that the alleged 1179  
offender committed the alleged offense, and shall not be 1180  
introduced as evidence of the commission of the offense at the 1181  
trial of the alleged offender on the complaint upon which the 1182  
order is based. 1183

(F) A person who meets the criteria for bail under 1184  
Criminal Rule 46 and who, if required to do so pursuant to that 1185  
rule, executes or posts bond or deposits cash or securities as 1186  
bail, shall not be held in custody pending a hearing before the 1187  
court on a motion requesting a temporary protection order. 1188

(G) (1) A copy of any temporary protection order that is 1189  
issued under this section shall be issued by the court to the 1190  
complainant, to the alleged victim, to the person who requested 1191  
the order, to the defendant, and to all law enforcement agencies 1192  
that have jurisdiction to enforce the order. The protection 1193  
order shall be in a form that ensures that the protection order 1194  
is accepted into the protection order database of the national 1195  
crime information center (NCIC) maintained by the federal bureau 1196

of investigation. The court shall direct that a copy of the 1197  
order be delivered to the defendant on the same day that the 1198  
order is entered. If a municipal court or a county court issues 1199  
a temporary protection order under this section and if, 1200  
subsequent to the issuance of the order, the defendant who is 1201  
the subject of the order is bound over to the court of common 1202  
pleas for prosecution as described in division (D) (4) of this 1203  
section, the municipal court or county court shall direct that a 1204  
copy of the order be delivered to the court of common pleas to 1205  
which the defendant is bound over. 1206

(2) Upon the issuance of a protection order under this 1207  
section, the court shall provide the parties to the order with 1208  
the following notice orally or by form: 1209

"NOTICE 1210

As a result of this protection order, it may be unlawful 1211  
for you to possess or purchase a firearm, including a rifle, 1212  
pistol, or revolver, or ammunition pursuant to federal law under 1213  
18 U.S.C. 922(g) (8). If you have any questions whether this law 1214  
makes it illegal for you to possess or purchase a firearm or 1215  
ammunition, you should consult an attorney." 1216

(3) All law enforcement agencies shall establish and 1217  
maintain an index for the temporary protection orders delivered 1218  
to the agencies pursuant to division (G) (1) of this section. 1219  
With respect to each order delivered, each agency shall note on 1220  
the index, the date and time of the receipt of the order by the 1221  
agency. Each protection order received by a law enforcement 1222  
agency pursuant to this section shall be entered into the law 1223  
enforcement automated data system created by section 5503.10 of 1224  
the Revised Code, and known as LEADS, within twenty-four hours 1225  
after receipt. 1226

(4) A complainant, alleged victim, or other person who 1227  
obtains a temporary protection order under this section may 1228  
provide notice of the issuance of the temporary protection order 1229  
to the judicial and law enforcement officials in any county 1230  
other than the county in which the order is issued by 1231  
registering that order in the other county in accordance with 1232  
division (N) of section 3113.31 of the Revised Code and filing a 1233  
copy of the registered protection order with a law enforcement 1234  
agency in the other county in accordance with that division. 1235

(5) Any officer of a law enforcement agency shall enforce 1236  
a temporary protection order issued by any court in this state 1237  
in accordance with the provisions of the order, including 1238  
removing the defendant from the premises, regardless of whether 1239  
the order is registered in the county in which the officer's 1240  
agency has jurisdiction as authorized by division (G) (4) of this 1241  
section. 1242

(H) Upon a violation of a temporary protection order, the 1243  
court may issue another temporary protection order, as a 1244  
pretrial condition of release, that modifies the terms of the 1245  
order that was violated. 1246

(I) (1) As used in divisions (I) (1) and (2) of this 1247  
section, "defendant" means a person who is alleged in a 1248  
complaint to have committed a violation, offense of violence, or 1249  
sexually oriented offense of the type described in division (A) 1250  
of this section. 1251

(2) If a complaint is filed that alleges that a person 1252  
committed a violation, offense of violence, or sexually oriented 1253  
offense of the type described in division (A) of this section, 1254  
the court may not issue a temporary protection order under this 1255  
section that requires the complainant, the alleged victim, or 1256

another family or household member of the defendant to do or 1257  
refrain from doing an act that the court may require the 1258  
defendant to do or refrain from doing under a temporary 1259  
protection order unless both of the following apply: 1260

(a) The defendant has filed a separate complaint that 1261  
alleges that the complainant, alleged victim, or other family or 1262  
household member in question who would be required under the 1263  
order to do or refrain from doing the act committed a violation 1264  
or offense of violence of the type described in division (A) of 1265  
this section. 1266

(b) The court determines that both the complainant, 1267  
alleged victim, or other family or household member in question 1268  
who would be required under the order to do or refrain from 1269  
doing the act and the defendant acted primarily as aggressors, 1270  
that neither the complainant, alleged victim, or other family or 1271  
household member in question who would be required under the 1272  
order to do or refrain from doing the act nor the defendant 1273  
acted primarily in self-defense, and, in accordance with the 1274  
standards and criteria of this section as applied in relation to 1275  
the separate complaint filed by the defendant, that it should 1276  
issue the order to require the complainant, alleged victim, or 1277  
other family or household member in question to do or refrain 1278  
from doing the act. 1279

(J) (1) Subject to division (J) (2) of this section and 1280  
regardless of whether a protection order is issued or a consent 1281  
agreement is approved by a court of another county or a court of 1282  
another state, no court or unit of state or local government 1283  
shall charge the movant any fee, cost, deposit, or money in 1284  
connection with the filing of a motion pursuant to this section, 1285  
in connection with the filing, issuance, registration, 1286

modification, enforcement, dismissal, withdrawal, or service of 1287  
a protection order, consent agreement, or witness subpoena or 1288  
for obtaining a certified copy of a protection order or consent 1289  
agreement. 1290

(2) Regardless of whether a protection order is issued or 1291  
a consent agreement is approved pursuant to this section, if the 1292  
defendant is convicted the court may assess costs against the 1293  
defendant in connection with the filing, issuance, registration, 1294  
modification, enforcement, dismissal, withdrawal, or service of 1295  
a protection order, consent agreement, or witness subpoena or 1296  
for obtaining a certified copy of a protection order or consent 1297  
agreement. 1298

(K) As used in this section: 1299

(1) "Companion animal" has the same meaning as in section 1300  
959.131 of the Revised Code. 1301

(2) "Sexually oriented offense" has the same meaning as in 1302  
section 2950.01 of the Revised Code. 1303

(3) "Victim advocate" means a person who provides support 1304  
and assistance for a victim of an offense during court 1305  
proceedings. 1306

(4) "Expunge" has the same meaning as in section 2903.213 1307  
of the Revised Code. 1308

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 1309  
the Revised Code: 1310

(A) "Deadly weapon" means any instrument, device, or thing 1311  
capable of inflicting death, and designed or specially adapted 1312  
for use as a weapon, or possessed, carried, or used as a weapon. 1313

(B) (1) "Firearm" means any deadly weapon capable of 1314

expelling or propelling one or more projectiles by the action of 1315  
an explosive or combustible propellant. "Firearm" includes an 1316  
unloaded firearm, and any firearm that is inoperable but that 1317  
can readily be rendered operable. 1318

(2) When determining whether a firearm is capable of 1319  
expelling or propelling one or more projectiles by the action of 1320  
an explosive or combustible propellant, the trier of fact may 1321  
rely upon circumstantial evidence, including, but not limited 1322  
to, the representations and actions of the individual exercising 1323  
control over the firearm. 1324

(C) "Handgun" means any of the following: 1325

(1) Any firearm that has a short stock and is designed to 1326  
be held and fired by the use of a single hand; 1327

(2) Any combination of parts from which a firearm of a 1328  
type described in division (C) (1) of this section can be 1329  
assembled. 1330

(D) "Semi-automatic firearm" means any firearm designed or 1331  
specially adapted to fire a single cartridge and automatically 1332  
chamber a succeeding cartridge ready to fire, with a single 1333  
function of the trigger. 1334

(E) "Automatic firearm" means any of the following: 1335

(1) Any firearm designed or specially adapted to fire a 1336  
succession of cartridges with a single function of the trigger; 1337

(2) Any device that is a "machine gun," as defined 1338  
pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 1339  
U.S.C. 921(a) (23), as amended, and regulations issued under that 1340  
act or the "National Firearms Act of 1934," 48 Stat. 1236, 26 1341  
U.S.C. 5845(b), as amended, and regulations issued under that 1342

<u>act.</u>	1343
(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.	1344 1345 1346 1347
(G) "Zip-gun" means any of the following:	1348
(1) Any firearm of crude and extemporized manufacture;	1349
(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;	1350 1351 1352
(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.	1353 1354 1355 1356
(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.	1357 1358 1359 1360 1361 1362 1363 1364
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	1365 1366 1367 1368
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	1369 1370

- (K) "Dangerous ordnance" means any of the following, 1371  
except as provided in division (L) of this section: 1372
- (1) Any automatic or sawed-off firearm, zip-gun, or 1373  
ballistic knife; 1374
- (2) Any explosive device or incendiary device; 1375
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 1376  
cyclonite, TNT, picric acid, and other high explosives; amatol, 1377  
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 1378  
high explosive compositions; plastic explosives; dynamite, 1379  
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 1380  
liquid-oxygen blasting explosives, blasting powder, and other 1381  
blasting agents; and any other explosive substance having 1382  
sufficient brisance or power to be particularly suitable for use 1383  
as a military explosive, or for use in mining, quarrying, 1384  
excavating, or demolitions; 1385
- (4) Any firearm, rocket launcher, mortar, artillery piece, 1386  
grenade, mine, bomb, torpedo, or similar weapon, designed and 1387  
manufactured for military purposes, and the ammunition for that 1388  
weapon; 1389
- (5) Any firearm muffler or suppressor; 1390
- (6) Any combination of parts that is intended by the owner 1391  
for use in converting any firearm or other device into a 1392  
dangerous ordnance; 1393
- (7) Any "armor piercing ammunition" as defined pursuant to 1394  
the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) 1395  
(17)(B), as amended, and regulations issued under that act. 1396
- (L) "Dangerous ordnance" does not include any of the 1397  
following: 1398

- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
- (2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
- (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
- (4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.
- (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.
- (M) "Explosive" means any chemical compound, mixture, or

device, the primary or common purpose of which is to function by 1428  
explosion. "Explosive" includes all materials that have been 1429  
classified as division 1.1, division 1.2, division 1.3, or 1430  
division 1.4 explosives by the United States department of 1431  
transportation in its regulations and includes, but is not 1432  
limited to, dynamite, black powder, pellet powders, initiating 1433  
explosives, blasting caps, electric blasting caps, safety fuses, 1434  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 1435  
fuses, and igniter cords and igniters. "Explosive" does not 1436  
include "fireworks," as defined in section 3743.01 of the 1437  
Revised Code, or any substance or material otherwise meeting the 1438  
definition of explosive set forth in this section that is 1439  
manufactured, sold, possessed, transported, stored, or used in 1440  
any activity described in section 3743.80 of the Revised Code, 1441  
provided the activity is conducted in accordance with all 1442  
applicable laws, rules, and regulations, including, but not 1443  
limited to, the provisions of section 3743.80 of the Revised 1444  
Code and the rules of the fire marshal adopted pursuant to 1445  
section 3737.82 of the Revised Code. 1446

(N) (1) "Concealed handgun license" or "license to carry a 1447  
concealed handgun" means, subject to division (N) (2) of this 1448  
section, a license or temporary emergency license to carry a 1449  
concealed handgun issued under section 2923.125 or 2923.1213 of 1450  
the Revised Code or a license to carry a concealed handgun 1451  
issued by another state with which the attorney general has 1452  
entered into a reciprocity agreement under section 109.69 of the 1453  
Revised Code. 1454

(2) A reference in any provision of the Revised Code to a 1455  
concealed handgun license issued under section 2923.125 of the 1456  
Revised Code or a license to carry a concealed handgun issued 1457  
under section 2923.125 of the Revised Code means only a license 1458

of the type that is specified in that section. A reference in 1459  
any provision of the Revised Code to a concealed handgun license 1460  
issued under section 2923.1213 of the Revised Code, a license to 1461  
carry a concealed handgun issued under section 2923.1213 of the 1462  
Revised Code, or a license to carry a concealed handgun on a 1463  
temporary emergency basis means only a license of the type that 1464  
is specified in section 2923.1213 of the Revised Code. A 1465  
reference in any provision of the Revised Code to a concealed 1466  
handgun license issued by another state or a license to carry a 1467  
concealed handgun issued by another state means only a license 1468  
issued by another state with which the attorney general has 1469  
entered into a reciprocity agreement under section 109.69 of the 1470  
Revised Code. 1471

(O) "Valid concealed handgun license" or "valid license to 1472  
carry a concealed handgun" means a concealed handgun license 1473  
that is currently valid, that is not under a suspension under 1474  
division (A) (1) of section 2923.128 of the Revised Code, under 1475  
section 2923.1213 of the Revised Code, or under a suspension 1476  
provision of the state other than this state in which the 1477  
license was issued, and that has not been revoked under division 1478  
(B) (1) of section 2923.128 of the Revised Code, under section 1479  
2923.1213 of the Revised Code, or under a revocation provision 1480  
of the state other than this state in which the license was 1481  
issued. 1482

(P) "Misdemeanor punishable by imprisonment for a term 1483  
exceeding one year" does not include any of the following: 1484

(1) Any federal or state offense pertaining to antitrust 1485  
violations, unfair trade practices, restraints of trade, or 1486  
other similar offenses relating to the regulation of business 1487  
practices; 1488

(2) Any misdemeanor offense punishable by a term of 1489  
imprisonment of two years or less. 1490

(Q) "Alien registration number" means the number issued by 1491  
the United States citizenship and immigration services agency 1492  
that is located on the alien's permanent resident card and may 1493  
also be commonly referred to as the "USCIS number" or the "alien 1494  
number." 1495

(R) "Active duty" has the same meaning as defined in 10 1496  
U.S.C. 101. 1497

**Sec. 2923.13.** (A) ~~Unless relieved from disability under~~ 1498  
~~operation of law or legal process, no~~ No person shall knowingly 1499  
acquire, have, carry, or use any firearm or dangerous ordnance, 1500  
if any of the following apply: 1501

(1) The person is a fugitive from justice. 1502

(2) The person is under indictment for or has been 1503  
convicted of any felony offense ~~of violence~~ or has been 1504  
adjudicated a delinquent child for the commission of an offense 1505  
that, if committed by an adult, would have been a felony offense 1506  
~~of violence.~~ 1507

(3) The person ~~is under indictment for or~~ has been 1508  
convicted of ~~any felony offense involving the illegal~~ 1509  
~~possession, use, sale, administration, distribution, or~~ 1510  
~~trafficking in any drug of abuse or has been adjudicated a~~ 1511  
~~delinquent child for the commission of an offense that, if~~ 1512  
~~committed by an adult, would have been a felony offense~~ 1513  
~~involving the illegal possession, use, sale, administration,~~ 1514  
~~distribution, or trafficking in any drug of abuse~~ a violation of 1515  
section 2919.25 or 2919.27 of the Revised Code. 1516

(4) The person is drug dependent, in danger of drug 1517

dependence, or a chronic alcoholic. 1518

(5) The person is under adjudication of mental 1519  
incompetence, has been adjudicated as a mental defective, has 1520  
been committed to a mental institution, has been found by a 1521  
court to be a mentally ill person subject to court order, or is 1522  
an involuntary patient other than one who is a patient only for 1523  
purposes of observation. As used in this division, "mentally ill 1524  
person subject to court order" and "patient" have the same 1525  
meanings as in section 5122.01 of the Revised Code. 1526

(6) The person is subject to a protection order issued 1527  
under section 2903.213, 2903.214, 2919.26, or 3113.31 of the 1528  
Revised Code that is a qualified protection order. 1529

(7) The person has been discharged from the armed forces 1530  
under dishonorable conditions. 1531

(8) The person is an alien who is prohibited from owning, 1532  
purchasing, or possessing a firearm pursuant to federal law 1533  
under 18 U.S.C. 922(g)(5). 1534

(9) The person, having been a citizen of the United 1535  
States, has renounced the person's citizenship. 1536

(10) The person is subject to an extreme risk protection 1537  
order or ex parte extreme risk protection order issued under 1538  
section 3113.27 of the Revised Code, during the time that the 1539  
order is in effect. 1540

(B) Whoever violates this section is guilty of having 1541  
weapons while under disability, a felony of the third degree. 1542

(C) For the purposes of this section, ~~"under operation of 1543~~  
~~law or legal process" shall not itself include mere completion, 1544~~  
~~termination, or expiration of a sentence imposed as a result of 1545~~

~~a criminal conviction;~~ 1546

(1) "Alien" means an individual who is not a citizen of 1547  
the United States. 1548

(2) "Armed forces" has the same meaning as in 18 U.S.C. 1549  
922. 1550

(3) "Intimate partner" means, with respect to a person, 1551  
the spouse of the person, a former spouse of the person, an 1552  
individual who is a parent of a child of the person, and an 1553  
individual who cohabits or has cohabited with the person. 1554

(4) "Qualified protection order" means a protection order 1555  
that meets all of the following requirements: 1556

(a) The order was issued after a hearing of which the 1557  
person subject to the order received actual notice and at which 1558  
the person had an opportunity to participate. 1559

(b) The order restrains the person from harassing, 1560  
stalking, or threatening an intimate partner of the person or 1561  
child of the intimate partner of the person, or engaging in 1562  
other conduct that would place an intimate partner in reasonable 1563  
fear of bodily injury to the partner or child. 1564

(c) The order includes a finding that the person 1565  
represents a credible threat to the physical safety of the 1566  
intimate partner or child or, by its terms, explicitly prohibits 1567  
the use, attempted use, or threatened use of physical force 1568  
against the intimate partner or child that would reasonably be 1569  
expected to cause bodily injury. 1570

**Sec. 2923.18.** (A) Upon application to the sheriff of the 1571  
county or safety director or police chief of the municipality 1572  
where the applicant resides or has ~~his~~ the applicant's principal 1573

place of business, and upon payment of the fee specified in 1574  
division (B) of this section, a license or temporary permit 1575  
shall be issued to qualified applicants to acquire, possess, 1576  
carry, or use dangerous ordnance, for the following purposes: 1577

(1) Contractors, wreckers, ~~quarrymen~~ quarriers, mine 1578  
operators, and other persons regularly employing explosives in 1579  
the course of a legitimate business, with respect to explosives 1580  
and explosive devices acquired, possessed, carried, or used in 1581  
the course of such business; 1582

(2) Farmers, with respect to explosives and explosive 1583  
devices acquired, possessed, carried, or used for agricultural 1584  
purposes on lands farmed by them; 1585

(3) Scientists, engineers, and instructors, with respect 1586  
to dangerous ordnance acquired, possessed, carried, or used in 1587  
the course of bona fide research or instruction; 1588

(4) Financial institution and armored car company guards, 1589  
with respect to automatic firearms lawfully acquired, possessed, 1590  
carried, or used by any such person while acting within the 1591  
scope of ~~his~~ the person's duties; 1592

(5) In the discretion of the issuing authority, any 1593  
responsible person, with respect to dangerous ordnance lawfully 1594  
acquired, possessed, carried, or used for a legitimate research, 1595  
scientific, educational, industrial, or other proper purpose. 1596

(B) Application for a license or temporary permit under 1597  
this section shall be in writing under oath to the sheriff of 1598  
the county or safety director or police chief of the 1599  
municipality where the applicant resides or has ~~his~~ the 1600  
applicant's principal place of business. The application shall 1601  
be accompanied by an application fee of fifty dollars when the 1602

application is for a license, and an application fee of five 1603  
dollars when the application is for a temporary permit. The fees 1604  
shall be paid into the general revenue fund of the county or 1605  
municipality. The application shall contain the following 1606  
information: 1607

(1) The name, age, address, occupation, and business 1608  
address of the applicant, if ~~he~~ the applicant is a natural 1609  
person, or the name, address, and principal place of business of 1610  
the applicant, if the applicant is a corporation; 1611

(2) A description of the dangerous ordnance for which a 1612  
permit is requested; 1613

(3) A description of the place or places where and the 1614  
manner in which the dangerous ordnance is to be kept, carried, 1615  
and used; 1616

(4) A statement of the purposes for which the dangerous 1617  
ordnance is to be acquired, possessed, carried, or used; 1618

(5) Such other information, as the issuing authority may 1619  
require in giving effect to this section. 1620

(C) Upon investigation, the issuing authority shall issue 1621  
a license or temporary permit only if all of the following 1622  
apply: 1623

(1) The applicant is not otherwise prohibited by law from 1624  
acquiring, having, carrying or using dangerous ordnance; 1625

(2) The applicant is age twenty-one or over, if ~~he~~ the 1626  
applicant is a natural person; 1627

(3) It appears that the applicant has sufficient 1628  
competence to safely acquire, possess, carry, or use the 1629  
dangerous ordnance, and that proper precautions will be taken to 1630

protect the security of the dangerous ordnance and ensure the 1631  
safety of persons and property; 1632

(4) It appears that the dangerous ordnance will be 1633  
lawfully acquired, possessed, carried, and used by the applicant 1634  
for a legitimate purpose. 1635

(D) The license or temporary permit shall identify the 1636  
person to whom it is issued, identify the dangerous ordnance 1637  
involved and state the purposes for which the license or 1638  
temporary permit is issued, state the expiration date, if any, 1639  
and list such restrictions on the acquisition, possession, 1640  
carriage, or use of the dangerous ordnance as the issuing 1641  
authority considers advisable to protect the security of the 1642  
dangerous ordnance and ensure the safety of persons and 1643  
property. 1644

(E) A temporary permit shall be issued for the casual use 1645  
of explosives and explosive devices, and other consumable 1646  
dangerous ordnance, and shall expire within thirty days of its 1647  
issuance. A license shall be issued for the regular use of 1648  
consumable dangerous ordnance, or for any ~~nonconsumable~~ 1649  
nonconsumable dangerous ordnance, which license need not specify 1650  
an expiration date, but the issuing authority may specify such 1651  
expiration date, not earlier than one year from the date of 1652  
issuance, as it considers advisable in view of the nature of the 1653  
dangerous ordnance and the purposes for which the license is 1654  
issued. 1655

(F) The dangerous ordnance specified in a license or 1656  
temporary permit may be obtained by the holder anywhere in the 1657  
state. The holder of a license may use such dangerous ordnance 1658  
anywhere in the state. The holder of a temporary permit may use 1659  
such dangerous ordnance only within the territorial jurisdiction 1660

of the issuing authority. 1661

(G) The issuing authority shall forward to the state fire 1662  
marshal a copy of each license or temporary permit issued 1663  
pursuant to this section, and a copy of each record of a 1664  
transaction in dangerous ordnance and of each report of lost or 1665  
stolen dangerous ordnance, given to the local law enforcement 1666  
authority as required by divisions (A) ~~(4)-(5)~~ and ~~(5)-(6)~~ of 1667  
section 2923.20 of the Revised Code. The state fire marshal 1668  
shall keep a permanent file of all licenses and temporary 1669  
permits issued pursuant to this section, and of all records of 1670  
transactions in, and losses or thefts of dangerous ordnance 1671  
forwarded by local law enforcement authorities pursuant to this 1672  
section. 1673

**Sec. 2923.20.** (A) No person shall do any of the following: 1674

(1) Recklessly sell, lend, give, or furnish any firearm to 1675  
any person prohibited by section 2923.13 or 2923.15 of the 1676  
Revised Code from acquiring or using any firearm, or recklessly 1677  
sell, lend, give, or furnish any dangerous ordnance to any 1678  
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 1679  
Revised Code from acquiring or using any dangerous ordnance; 1680

(2) Possess any firearm or dangerous ordnance with purpose 1681  
to dispose of it in violation of division (A) of this section; 1682

(3) Except as otherwise provided in division (B) of this 1683  
section, knowingly buy, purchase, obtain, or furnish a firearm 1684  
on behalf of a third party if both of the following apply: 1685

(a) The firearm is not a bona fide gift; 1686

(b) The person who buys, purchases, obtains, or furnishes 1687  
the firearm in that manner knows that the firearm is not a bona 1688  
fide gift. 1689

(4) Manufacture, possess for sale, sell, or furnish to any 1690  
person other than a law enforcement agency for authorized use in 1691  
police work, any brass knuckles, cestus, billy, blackjack, 1692  
sandbag, switchblade knife, springblade knife, gravity knife, or 1693  
similar weapon; 1694

~~(4)~~(5) When transferring any dangerous ordnance to 1695  
another, negligently fail to require the transferee to exhibit 1696  
such identification, license, or permit showing ~~him~~ the 1697  
transferee to be authorized to acquire dangerous ordnance 1698  
pursuant to section 2923.17 of the Revised Code, or negligently 1699  
fail to take a complete record of the transaction and forthwith 1700  
forward a copy of that record to the sheriff of the county or 1701  
safety director or police chief of the municipality where the 1702  
transaction takes place; 1703

~~(5)~~(6) Knowingly fail to report to law enforcement 1704  
authorities forthwith the loss or theft of any firearm or 1705  
dangerous ordnance in the person's possession or under the 1706  
person's control. 1707

(B) Division (A) (3) of this section does not apply to any 1708  
of the following: 1709

(1) The furnishing of a firearm to a person who is a law 1710  
enforcement officer who is properly appointed or employed as a 1711  
law enforcement officer and has received firearms training 1712  
approved by the Ohio peace officer training commission or 1713  
equivalent firearms training; 1714

(2) The furnishing of a firearm to an active duty member 1715  
of the armed forces of the United States who has received 1716  
firearms training that meets or exceeds the training 1717  
requirements described in division (G) (1) of section 2923.125 of 1718

the Revised Code; 1719

(3) The furnishing of a firearm to a person for lawful 1720  
hunting, sporting, or educational purposes, including, but not 1721  
limited to, instruction in firearms safety, care, handling, or 1722  
marksmanship. 1723

(C) Whoever violates this section is guilty of unlawful 1724  
transactions in weapons. A violation of division (A) (1) ~~or,~~ 1725  
(2), ~~or~~ (3) of this section is a felony of the ~~fourth~~ second 1726  
degree. A violation of division (A) ~~(3)~~ (4) or ~~(4)~~ (5) of this 1727  
section is a misdemeanor of the second degree. A violation of 1728  
division (A) ~~(5)~~ (6) of this section is a misdemeanor of the 1729  
fourth degree. 1730

(D) For the purposes of division (A) of this section, a 1731  
gift is not bona fide if there is an offer or exchange of money, 1732  
services, or items of value between the third party and the 1733  
person buying, purchasing, obtaining, or furnishing a firearm. 1734

**Sec. 2923.23.** (A) No person who acquires, possesses, or 1735  
carries a firearm or dangerous ordnance in violation of section 1736  
2923.13 or 2923.17 of the Revised Code shall be prosecuted for 1737  
such violation, if ~~he~~ the person reports ~~his~~ the person's 1738  
possession of firearms or dangerous ordnance to any law 1739  
enforcement authority, describes the firearms ~~of~~ or dangerous 1740  
ordnance in ~~his~~ the person's possession and where they may be 1741  
found, and voluntarily surrenders the firearms or dangerous 1742  
ordnance to the law enforcement authority. A surrender is not 1743  
voluntary if it occurs when the person is taken into custody or 1744  
during a pursuit or attempt to take the person into custody, 1745  
under circumstances indicating that the surrender is made under 1746  
threat of force. 1747

(B) No person in violation of section 2923.13 of the Revised Code solely by reason of ~~his~~ the person being under indictment shall be prosecuted for such violation if, within ten days after service of the indictment, ~~he~~ the person voluntarily surrenders the firearms and dangerous ordnance in ~~his~~ the person's possession to any law enforcement authority pursuant to division (A) of this section, for safekeeping pending disposition of the indictment ~~or of an application for relief under section 2923.14 of the Revised Code.~~

~~(C) Evidence obtained from or by reason of an application or proceeding under section 2923.14 of the Revised Code for relief from disability, shall not be used in a prosecution of the applicant for any violation of section 2923.13 of the Revised Code.~~

~~(D) Evidence obtained from or by reason of an application under section 2923.18 of the Revised Code for a permit to possess dangerous ordnance, shall not be used in a prosecution of the applicant for any violation of section 2923.13 or 2923.17 of the Revised Code.~~

Sec. 3113.26. As used in sections 3113.26 to 3113.30 of the Revised Code:

(A) "Court" means the court of common pleas in each county as defined in section 2301.01 of the Revised Code.

(B) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

(C) "Family or household member" and "person living as a spouse" have the same meanings as in section 3113.31 of the Revised Code.

(D) "Law enforcement officer" means a sheriff, deputy

sheriff, member of the organized police department of any 1777  
municipal corporation, member of a police force employed by a 1778  
metropolitan housing authority under division (D) of section 1779  
3735.31 of the Revised Code, or a state university law 1780  
enforcement officer appointed under section 3345.04 of the 1781  
Revised Code. 1782

(E) "Mental illness" has the same meaning as in section 1783  
5122.01 of the Revised Code. 1784

(F) "Petitioner" means a family or household member, a 1785  
person living as a spouse, or a law enforcement officer who 1786  
files a petition for an extreme risk protection order under 1787  
section 3113.27 of the Revised Code. 1788

(G) "Respondent" means a person who is identified in a 1789  
petition for an extreme risk protection order filed under 1790  
section 3113.27 of the Revised Code as the person to which the 1791  
extreme risk protection order will apply if the order is issued. 1792

**Sec. 3113.27.** (A) (1) A family or household member of a 1793  
respondent, a person living as a spouse of a respondent, or a 1794  
law enforcement officer may file a petition in the court of 1795  
common pleas of the county in which the respondent resides 1796  
requesting that the court issue an extreme risk protection order 1797  
temporarily enjoining the respondent from having in the 1798  
respondent's possession, custody, or control any deadly weapon 1799  
or any firearm. 1800

(2) A petition filed under division (A) (1) of this section 1801  
shall do all of the following: 1802

(a) Allege facts showing that the respondent presents a 1803  
significant risk in the near future of committing suicide, 1804  
committing another form of serious self-harm less than death, or 1805

causing physical injury to another person; 1806

(b) Identify the number, types, and locations of any 1807  
deadly weapons or firearms the petitioner believes to be in the 1808  
respondent's possession, custody, or control at the time the 1809  
petition is filed; 1810

(c) Include the respondent's residence address at the time 1811  
the petition is filed as well as any other information the 1812  
petitioner has concerning the whereabouts of the respondent, so 1813  
that service of the petition on the respondent promptly can be 1814  
made under division (A) (6) of this section; 1815

(d) Identify whether there is a current protection order 1816  
or restraining order governing the respondent under section 1817  
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1818  
Code or under any other applicable statute. 1819

(3) A petition for an extreme risk protection order filed 1820  
under division (A) (1) of this section shall be supported by a 1821  
written affidavit signed by the petitioner under oath, an oral 1822  
statement given by the petitioner under oath, or any other 1823  
admissible evidence the petitioner may choose to produce that 1824  
sets forth the facts alleged in the petition that give rise to a 1825  
reasonable belief on the part of the petitioner that the 1826  
respondent presents a significant risk of the type described in 1827  
the petition. If the petitioner is a law enforcement officer, 1828  
the law enforcement officer also shall include in the affidavit 1829  
under oath that the officer has conducted an independent 1830  
investigation of the circumstances giving rise to the filing of 1831  
the petition and that there is good cause for the filing of the 1832  
petition. 1833

(4) In any proceeding before the court in which the 1834

petitioner is seeking an extreme risk protection order or an 1835  
extension of an existing extreme risk protection order, the 1836  
petitioner has the burden of proof. 1837

(5) In any proceeding before the court in which the 1838  
petitioner is seeking an extreme risk protection order, the 1839  
Rules of Civil Procedure and the Rules of Evidence shall apply. 1840

(6) Upon the filing of a petition for an extreme risk 1841  
protection order under division (A)(1) of this section, the 1842  
court shall set a date for a hearing on the petition that is not 1843  
later than three calendar days after the day on which the 1844  
petition is filed. On the same business day the petitioner files 1845  
the petition, the court shall direct a law enforcement officer 1846  
to serve on the respondent a copy of the petition and a notice 1847  
of the hearing. The notice of the hearing shall notify the 1848  
respondent of the date, time, and location of the hearing and of 1849  
the respondent's opportunity to be heard to contest the issuance 1850  
of an extreme risk protection order. On motion of the petitioner 1851  
or respondent, or on its own motion, the court may grant a 1852  
continuance of the hearing for any of the circumstances or 1853  
reasons identified in divisions (A)(6)(a) to (d) of this section 1854  
and, upon granting a continuance, the court shall notify the 1855  
petitioner and respondent of the new date, time, and location of 1856  
the hearing. Under any of the following circumstances or for any 1857  
of the following reasons, the court may grant a continuance of 1858  
the hearing to a reasonable time determined by the court: 1859

(a) Prior to the date scheduled for the hearing under this 1860  
division, the respondent has not been served with the petition 1861  
filed under this section and the notice of the hearing. 1862

(b) The petitioner and the respondent consent to the 1863  
continuance. 1864

(c) The continuance is to allow either the petitioner or the respondent to obtain counsel. 1865  
1866

(d) The continuance is needed for other good cause. 1867

(B) (1) At the hearing for an extreme risk protection order provided under division (A) (6) of this section, the petitioner must prove, by clear and convincing evidence, that the respondent presents a significant risk of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person in the near future to such an extent that the respondent should be immediately and temporarily enjoined from having in the respondent's possession, custody, or control any deadly weapon or any firearm. If the court at the hearing finds that the petitioner has so proved, the court may issue an extreme risk protection order. Absent such a finding, the court shall not issue an extreme risk protection order. 1868  
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(2) In determining whether to issue an extreme risk protection order under this section, the court shall consider all of the factors listed in division (D) of this section. 1881  
1882  
1883

(3) If the court at the hearing provided under division (A) (6) of this section finds, by clear and convincing evidence, that an extreme risk protection order should be issued and issues the order, the order shall include all of the following: 1884  
1885  
1886  
1887

(a) A statement of the evidence presented and the court's findings supporting issuance of the order; 1888  
1889

(b) The date the order was issued; 1890

(c) The duration of the order, which shall be not longer than one hundred eighty days after the date on which a copy of the proof of a voluntary transfer or an affidavit is filed with 1891  
1892  
1893

a court under division (A) (2) of section 3113.28 of the Revised 1894  
Code or a return is filed with a court under division (B) of 1895  
that section; 1896

(d) A notice to the respondent that, beginning ninety days 1897  
after a copy of the proof of a voluntary transfer is filed with 1898  
a court under division (A) (2) of section 3113.28 of the Revised 1899  
Code or a return is filed with a court under division (B) of 1900  
that section, the respondent may file a petition with the court 1901  
pursuant to section 3113.29 of the Revised Code for a hearing 1902  
under that section to reclaim possession of the respondent's 1903  
deadly weapons or firearms; 1904

(e) A notice that the order can be appealed to the court 1905  
of appeals; 1906

(f) A notice that the issuance of an extreme risk 1907  
protection order under division (B) of this section shall make 1908  
it unlawful for the respondent to possess, purchase, acquire, or 1909  
obtain a deadly weapon or firearm, including ammunition, while 1910  
the extreme risk protection order is in effect. 1911

(4) If the court issues an extreme risk protection order 1912  
under division (B) of this section, the court shall immediately 1913  
direct a law enforcement officer to serve the order on the 1914  
respondent as soon as possible, either at the residence address 1915  
of the respondent as set forth in the petition or at any other 1916  
location that either the petitioner or the law enforcement 1917  
officer has reason to believe the respondent can be found and 1918  
served. After the law enforcement officer serves the order on 1919  
the respondent, the officer shall file with the court notice of 1920  
service on the respondent. The notice of service shall state the 1921  
date and time the respondent was served and the location at 1922  
which the respondent was served. 1923

(5) An extreme risk protection order issued under division 1924  
(B) of this section shall order the respondent, within twenty- 1925  
four hours of being served with a copy of the order, to transfer 1926  
all deadly weapons and all firearms in the respondent's 1927  
possession, custody, or control, in accordance with division (A) 1928  
of section 3113.28 of the Revised Code. The order also shall 1929  
inform the respondent that, if the respondent does not transfer 1930  
the deadly weapons and firearms in accordance with that 1931  
provision, the court will issue a warrant as described in this 1932  
division for seizure of the deadly weapons and firearms. 1933

If the respondent does not transfer all deadly weapons and 1934  
all firearms under the respondent's possession, custody, or 1935  
control within twenty-four hours in accordance with division (A) 1936  
of section 3113.28 of the Revised Code, the court shall issue a 1937  
warrant under division (B) of that section commanding a law 1938  
enforcement officer in the county in which the respondent 1939  
resides to enter the respondent's residence or any other 1940  
property owned, leased, or controlled by the respondent to 1941  
search for and seize all deadly weapons and firearms in the 1942  
respondent's possession, custody, or control. 1943

(C) (1) If a petitioner who files a petition for an extreme 1944  
risk protection order under division (A) (1) of this section has 1945  
a good faith belief that the respondent presents a significant 1946  
and imminent risk of committing suicide, committing another form 1947  
of serious self-harm less than death, or causing physical injury 1948  
to another person, the petitioner may seek an ex parte extreme 1949  
risk protection order. If the petitioner chooses to seek an ex 1950  
parte extreme risk protection order, the petition shall state 1951  
that the relief sought is an ex parte order. A petition for an 1952  
ex parte extreme risk protection order and the accompanying 1953  
affidavit shall do all of the following: 1954

(a) Comply with the requirements set forth in divisions 1955  
(A) (2) and (3) of this section; 1956

(b) Allege and contain evidence of specific statements or 1957  
actions by the respondent, or any other information about the 1958  
respondent, that created in the petitioner a reasonable belief 1959  
that the respondent may act imminently. 1960

(2) If a petitioner who files a petition under division 1961  
(A) (1) of this section requests an ex parte extreme risk 1962  
protection order, the court shall hold an ex parte hearing on 1963  
the same day the petition is filed or on the next calendar day 1964  
immediately following the filing of the petition. The ex parte 1965  
hearing shall be conducted in accordance with the Rules of Civil 1966  
Procedure and the Rules of Evidence. The court shall either 1967  
grant or deny the request for an ex parte extreme risk 1968  
protection order the same day that the ex parte hearing is held. 1969

(3) At an ex parte hearing for an extreme risk protection 1970  
order conducted under division (C) (2) of this section, the 1971  
petitioner must prove, by clear and convincing evidence, that 1972  
the respondent presents a significant and imminent risk of 1973  
committing suicide, committing another form of serious self-harm 1974  
less than death, or causing physical injury to another person to 1975  
such an extent that the respondent should be immediately and 1976  
temporarily enjoined from having in the respondent's possession, 1977  
custody, or control any deadly weapon or any firearm. If the 1978  
court finds that the petitioner has so proved, the court may 1979  
issue an ex parte extreme risk protection order. Absent such a 1980  
finding, the court shall not issue an ex parte extreme risk 1981  
protection order. 1982

If the court issues an ex parte extreme risk protection 1983  
order, or if the petitioner requests an ex parte order but the 1984

court does not issue the ex parte order, the court shall 1985  
schedule a full hearing as provided in division (A) (6) of this 1986  
section, to be held not later than seventy-two hours after the 1987  
ex parte order is issued or the date on which the hearing is 1988  
held and the ex parte order is not issued, whichever is 1989  
applicable. The full hearing may be continued for any of the 1990  
reasons set forth in divisions (A) (6) (a) to (d) of this section 1991  
and, if the hearing is continued, the court shall notify the 1992  
petitioner and respondent of the date, time, and location of the 1993  
new hearing. 1994

(4) In determining whether to issue an ex parte extreme 1995  
risk protection order under this section, the court shall 1996  
consider all of the factors listed in division (D) of this 1997  
section. 1998

(5) If the court at a hearing conducted under division (C) 1999  
(2) of this section finds, by clear and convincing evidence, 2000  
that an ex parte extreme risk protection order should be issued 2001  
and issues the order, the order shall include all of the 2002  
following: 2003

(a) A statement of the evidence presented and the court's 2004  
findings supporting issuance of the order; 2005

(b) The date and time the order was issued; 2006

(c) The duration of the ex parte order, which shall be not 2007  
longer than seventy-two hours from the date on which, and time 2008  
at which, the order was issued or until the date and time the 2009  
full hearing scheduled under division (C) (3) of this section is 2010  
held, whichever period is longer; 2011

(d) Notice of the date, time, and location of the full 2012  
hearing scheduled under division (C) (3) of this section and of 2013

the respondent's opportunity to be heard to contest the issuance 2014  
of the extreme risk protection order; 2015

(e) Notice that the issuance of an ex parte extreme risk 2016  
protection order under division (C) of this section shall make 2017  
it unlawful for the respondent to possess, purchase, acquire, or 2018  
obtain a deadly weapon or firearm, including ammunition, while 2019  
the ex parte extreme risk protection order is in effect. 2020

(6) If the court issues an ex parte extreme risk 2021  
protection order under division (C) of this section, the court 2022  
shall do all of the following: 2023

(a) Immediately direct a law enforcement officer to serve 2024  
the order, a copy of the petition, and the notice of the full 2025  
hearing provided in division (A) (6) of this section on the 2026  
respondent as soon as possible, either at the residence address 2027  
of the respondent as set forth in the petition or at any other 2028  
location either the petitioner or the law enforcement officer 2029  
has reason to believe the respondent can be found and served. 2030  
After the law enforcement officer serves the order, petition, 2031  
and notice of the full hearing on the respondent, the officer 2032  
shall file with the court notice of service on the respondent. 2033  
The notice of service shall state the date and time the 2034  
respondent was served and the location at which the respondent 2035  
was served. 2036

(b) Issue a warrant under division (B) of section 3113.28 2037  
of the Revised Code commanding a law enforcement officer in the 2038  
county in which the respondent resides to enter the respondent's 2039  
residence or any other property owned, leased, or controlled by 2040  
the respondent to search for and seize all deadly weapons and 2041  
firearms in the respondent's possession, custody, or control. 2042

<u>(D) In determining whether to issue an extreme risk</u>	2043
<u>protection order, whether following an ex parte hearing or a</u>	2044
<u>full hearing, the court shall consider all of the following:</u>	2045
<u>(1) Recent threats or acts of violence by the respondent</u>	2046
<u>directed toward the petitioner;</u>	2047
<u>(2) Recent threats or acts of violence by the respondent</u>	2048
<u>directed toward any other person;</u>	2049
<u>(3) Recent acts of the respondent's cruelty to animals;</u>	2050
<u>(4) The respondent's reckless use, display, or brandishing</u>	2051
<u>of a deadly weapon or a firearm;</u>	2052
<u>(5) A history of suicide threats or attempts by the</u>	2053
<u>respondent or other attempts by the respondent to engage in any</u>	2054
<u>form of self-harm;</u>	2055
<u>(6) A history of the use, attempted use, or threatened use</u>	2056
<u>of physical force or violence by the respondent against another</u>	2057
<u>person;</u>	2058
<u>(7) The respondent's illegal use of controlled substances</u>	2059
<u>or abuse of alcohol;</u>	2060
<u>(8) A prior involuntary confinement of the respondent</u>	2061
<u>under section 5122.10 of the Revised Code as a person who is</u>	2062
<u>mentally ill subject to court order and represents a substantial</u>	2063
<u>risk of physical harm to self or others if allowed to remain at</u>	2064
<u>liberty pending examination;</u>	2065
<u>(9) Any other factors that are relevant to an evaluation</u>	2066
<u>of whether the respondent presents a significant risk, whether</u>	2067
<u>imminently or in the near future, of committing suicide,</u>	2068
<u>committing another form of self-harm less than death, or causing</u>	2069
<u>physical injury to another person.</u>	2070

(E) Any evidence presented in a petition for an extreme risk protection order under division (A) (1) of this section or in any hearing on such a petition that the respondent has been diagnosed with any mental illness or any other mental health condition is not sufficient by itself for the court to issue an extreme risk protection order, whether ex parte or after a full hearing. For the extreme risk protection order to be issued, the court must find that one or more of the factors listed in division (D) of this section applies, in addition to any mental illness or any other mental health condition from which the respondent may suffer. 2071  
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(F) (1) A copy of an extreme risk protection order or ex parte extreme risk protection order issued pursuant to division (B) or (C) of this section shall be issued to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. 2082  
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(2) Any order issued under division (B) or (C) of this section shall be in a form that ensures the order is accepted into the protection order database of the National Crime Information Center (NCIC) maintained by the Federal Bureau of Investigation. 2087  
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(3) Law enforcement agencies provided a copy of an order pursuant to division (F) (1) of this section shall ensure the order is entered into the law enforcement automated data system created by section 5503.10 of the Revised Code and known as LEADS within twenty-four hours of receipt. 2092  
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**Sec. 3113.28.** (A) Any person who is a respondent subject to an extreme risk protection order issued under section 3113.27 of the Revised Code after a full hearing and who has been served with the order may voluntarily transfer all deadly weapons and 2097  
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firearms in the respondent's possession, custody, or control as 2101  
described in this division. To voluntarily transfer the deadly 2102  
weapons or firearms, the respondent shall comply with the 2103  
following: 2104

(1) Within twenty-four hours after being served with the 2105  
extreme risk protection order, the respondent shall transfer all 2106  
deadly weapons and firearms in the respondent's possession, 2107  
custody, or control to a law enforcement agency. The respondent 2108  
shall provide a copy of the order to the law enforcement agency 2109  
at the time of transfer. The law enforcement agency shall issue 2110  
a proof of transfer to the respondent. The proof of transfer 2111  
shall include the name of the respondent, the date of transfer, 2112  
and the serial number, make, and model or any other relevant 2113  
description of each transferred deadly weapon and firearm. 2114

(2) Within forty-eight hours after being served with the 2115  
extreme risk protection order, the respondent shall do one of 2116  
the following: 2117

(a) File a copy of the proof of transfer with the court 2118  
that issued the order and an affidavit stating that all deadly 2119  
weapons and firearms in the respondent's possession, custody, or 2120  
control at the time the respondent was served with the order 2121  
have been transferred in accordance with this division and that 2122  
the respondent currently has no deadly weapons or firearms in 2123  
the respondent's possession, custody, or control; 2124

(b) File an affidavit with the court that issued the order 2125  
stating that at the time the respondent was served with the 2126  
order, the respondent had no deadly weapons or firearms in the 2127  
respondent's possession, custody, or control, and that the 2128  
respondent currently has no deadly weapons or firearms in the 2129  
respondent's possession, custody, or control. 2130

(B) If a respondent who is subject to an extreme risk protection order issued under section 3113.27 of the Revised Code following a full hearing does not voluntarily transfer all deadly weapons and firearms in compliance with division (A) of this section, or if a respondent is subject to an ex parte extreme risk protection order issued under section 3113.27 of the Revised Code, the court that issued the order shall issue a warrant to a law enforcement officer commanding the officer to search for and seize all deadly weapons and firearms in the possession or control of the respondent. The law enforcement officer who served the warrant, not later than forty-eight hours after the warrant was served, shall file a return with the court that states that the warrant was served and that sets forth the time and date on which the warrant was served, the name and address of the respondent named in the warrant, and the serial number, make, and model or any other relevant description of each deadly weapon and firearm seized by the law enforcement officer. 2131  
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(C) If a court issued an ex parte extreme risk protection order under section 3113.27 of the Revised Code and the respondent's deadly weapons or firearms were seized pursuant to division (B) of this section and if, at the full hearing held under division (A) (6) of section 3113.27 of the Revised Code subsequent to the issuance of the ex parte order, the court denies the petitioner's request to issue an extreme risk protection order under division (B) of that section, the law enforcement agency having possession of the respondent's deadly weapons or firearms under the ex parte order promptly shall return them to the respondent upon the respondent's request. 2149  
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(D) Any law enforcement agency that has taken possession of a respondent's deadly weapons or firearms pursuant to an 2160  
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extreme risk protection order or ex parte extreme risk 2162  
protection order issued under section 3113.27 of the Revised 2163  
Code, whether by a voluntary transfer by the respondent pursuant 2164  
to division (A) of this section or by a seizure by a law 2165  
enforcement officer pursuant to division (B) of this section, 2166  
may transfer the respondent's deadly weapons or firearms for 2167  
storage by the state highway patrol for the duration of the 2168  
order. The state highway patrol shall issue the law enforcement 2169  
agency that originally took possession of the respondent's 2170  
deadly weapons or firearms a proof of transfer that includes the 2171  
name and address of the respondent from whom the deadly weapons 2172  
or firearms were received and the serial number, make, and model 2173  
or any other relevant description of each transferred deadly 2174  
weapon and firearm. The state highway patrol shall notify the 2175  
court, the petitioner, and the respondent that the state highway 2176  
patrol then is in possession of the respondent's deadly weapons 2177  
or firearms. 2178

**Sec. 3113.29.** (A) An extreme risk protection order issued 2179  
by a court after a full hearing pursuant to division (A) (6) of 2180  
section 3113.27 of the Revised Code shall be for a period of not 2181  
longer than one hundred eighty days beginning after a copy of 2182  
the proof of a voluntary transfer or an affidavit is filed with 2183  
a court under division (A) (2) of section 3113.28 of the Revised 2184  
Code or a return is filed with a court under division (B) of 2185  
that section. 2186

(B) (1) With respect to an extreme risk protection order 2187  
issued by a court after a full hearing pursuant to division (A) 2188  
(6) of section 3113.27 of the Revised Code, beginning ninety 2189  
days after a copy of the proof of a voluntary transfer or an 2190  
affidavit is filed with a court under division (A) (2) of section 2191  
3113.28 or a return is filed with a court under division (B) of 2192

that section, the respondent may file a petition with the court 2193  
that issued the order requesting a hearing to reclaim possession 2194  
of the respondent's deadly weapons or firearms. 2195

(2) Upon receipt of a petition described in division (B) 2196  
(1) of this section, the court shall schedule a hearing on the 2197  
petition and notify the petitioner and the respondent of the 2198  
date, time, and location of the hearing. 2199

(3) In a hearing on a petition described in division (B) 2200  
(1) of this section, the respondent has the burden of proving by 2201  
a preponderance of the evidence that the respondent no longer 2202  
presents a significant risk, whether imminent or in the near 2203  
future, of committing suicide, committing another form of 2204  
serious self-harm less than death, or causing physical injury to 2205  
another person to such an extent that the respondent should be 2206  
enjoined from having in the respondent's possession, custody, or 2207  
control any deadly weapon or any firearm. At any such hearing, 2208  
the petitioner may present evidence to rebut the respondent's 2209  
evidence or assertion that the respondent presently does not 2210  
present such a risk. 2211

(4) Upon the completion of the hearing on a respondent's 2212  
petition under division (B)(1) of this section and consideration 2213  
of the record, the court shall do one of the following: 2214

(a) If the court finds that the respondent no longer 2215  
presents a significant risk, whether imminent or in the near 2216  
future, of committing suicide, committing another form of 2217  
serious self-harm less than death, or causing physical injury to 2218  
another person to such an extent that the respondent should be 2219  
enjoined from having in the respondent's possession, custody, or 2220  
control any deadly weapon or any firearm, the court shall grant 2221  
the respondent's petition, terminate the extreme risk protection 2222

order, and order the law enforcement agency having custody of 2223  
the deadly weapons or firearms to promptly return them to the 2224  
respondent upon the respondent's request. Upon receipt of the 2225  
order, the law enforcement agency promptly shall return the 2226  
deadly weapons or firearms to the respondent upon the 2227  
respondent's request. 2228

(b) If the court finds that the respondent continues to 2229  
present a significant risk, whether imminent or in the near 2230  
future, of committing suicide, committing another form of 2231  
serious self-harm less than death, or causing physical injury to 2232  
another person to such an extent that the respondent should be 2233  
enjoined from having in the respondent's possession, custody, or 2234  
control any deadly weapon or any firearm, the court shall deny 2235  
the respondent's petition and the extreme risk protection order 2236  
shall remain in effect for the remainder of the duration of the 2237  
one-hundred-eighty-day period. In such a case, the respondent 2238  
may not file a subsequent petition to reclaim the deadly weapons 2239  
or firearms at any time during the remainder of the duration of 2240  
the one-hundred-eighty-day period. 2241

(C) If an extreme risk protection order has been issued by 2242  
a court after a full hearing pursuant to division (A) (6) of 2243  
section 3113.27 of the Revised Code for a one-hundred-eighty-day 2244  
period and if the court has not ordered that the respondent's 2245  
deadly weapons or firearms be returned to the respondent after a 2246  
hearing under division (B) of this section, unless the order is 2247  
extended for an additional one-hundred-eighty-day period under 2248  
division (D) of this section, at the conclusion of the one- 2249  
hundred-eighty-day period the order terminates and the law 2250  
enforcement agency having possession of the respondent's deadly 2251  
weapons and firearms promptly shall return them to the 2252  
respondent upon the respondent's request. 2253

(D) (1) If an extreme risk protection order has been issued 2254  
by the court after a full hearing pursuant to division (A) (6) of 2255  
section 3113.27 of the Revised Code for a one-hundred-eighty-day 2256  
period and if the court has not ordered that the respondent's 2257  
deadly weapons or firearms be returned to the respondent after a 2258  
hearing under division (B) of this section, at any time prior to 2259  
the day that is one hundred sixty-five days after the order was 2260  
issued, the petitioner may file a motion with the court that 2261  
issued the order to extend the order for an additional one- 2262  
hundred-eighty-day period. Upon the filing of such a motion, the 2263  
court shall schedule a hearing for a date and time that is prior 2264  
to the expiration of the one-hundred-eighty-day period in the 2265  
original extreme risk protection order. The court shall notify 2266  
the petitioner and the respondent of the date, time, and 2267  
location of the hearing. 2268

(2) At the hearing on a motion filed under division (D) (1) 2269  
of this section, the petitioner must prove, by clear and 2270  
convincing evidence, that the respondent continues to present a 2271  
significant risk of committing suicide, committing another form 2272  
of serious self-harm less than death, or causing physical injury 2273  
to another person in the near future to such an extent that the 2274  
respondent should remain temporarily enjoined from having in the 2275  
respondent's possession, custody, or control any deadly weapon 2276  
or any firearm. 2277

(3) In determining at a hearing on a motion filed under 2278  
division (D) (1) of this section whether to extend an extreme 2279  
risk protection order, the court shall consider all of the 2280  
factors listed in division (D) of section 3113.27 of the Revised 2281  
Code. 2282

(4) Upon the completion of a hearing on the petitioner's 2283

motion filed under division (D)(1) of this section and 2284  
consideration of the record, the court shall do one of the 2285  
following: 2286

(a) If the court finds that the petitioner has not proven 2287  
by clear and convincing evidence that the respondent continues 2288  
to present a significant risk, whether imminent or in the near 2289  
future, of committing suicide, committing another form of 2290  
serious self-harm less than death, or causing physical injury to 2291  
another person to such an extent that the respondent should be 2292  
enjoined from having possession, custody, or control of any 2293  
deadly weapon or any firearm, the court shall deny the 2294  
petitioner's motion. If the court denies the petitioner's 2295  
motion, the initial extreme risk protection order shall expire 2296  
at the end of the current one-hundred-eighty-day period and the 2297  
law enforcement agency having custody of the deadly weapons or 2298  
firearms promptly shall return them to the respondent upon the 2299  
respondent's request after the expiration of the one-hundred- 2300  
eighty-day period. 2301

(b) If the court finds that the petitioner has proven by 2302  
clear and convincing evidence that the respondent continues to 2303  
present a significant risk, whether imminent or in the near 2304  
future, of committing suicide, committing another form of 2305  
serious self-harm less than death, or causing physical injury to 2306  
another person to such an extent that the respondent should be 2307  
enjoined from having possession, custody, or control of any 2308  
deadly weapon or any firearm, the court shall grant the 2309  
petitioner's motion and the court shall extend the current 2310  
extreme risk protection order for an additional one-hundred- 2311  
eighty-day period immediately following the expiration of the 2312  
current one-hundred-eighty-day period. 2313

(5) Whether the court grants or denies the petitioner's motion under division (D)(1) of this section to extend the extreme risk protection order, the court shall make a written statement of the evidence presented and the court's findings supporting the grant or denial of the motion and provide the same to the petitioner and the respondent. 2314  
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(6) If the court grants the petitioner's motion under division (D)(1) of this section to extend the extreme risk protection order for an additional one hundred eighty days, the court shall do all of the following: 2320  
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(a) Notify the law enforcement agency that then possesses the respondent's deadly weapons or firearms that the court has extended the order for an additional one hundred eighty days; 2324  
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(b) Notify the respondent that the respondent may file a petition to reclaim the respondent's deadly weapons or firearms under the procedure set forth in division (B) of this section or that the respondent may appeal the one-hundred-eighty-day extension of the order to the court of appeals. 2327  
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(E) A law enforcement agency having custody of any deadly weapons or firearms that were voluntarily transferred by, or that were seized from, a respondent who was subject to an extreme risk protection order or ex parte extreme risk protection order issued under section 3113.27 of the Revised Code shall safely keep the deadly weapons and firearms until further order of the court that issued the order. 2332  
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(F)(1) A respondent who is subject to an extreme risk protection order or ex parte extreme risk protection order issued under section 3113.27 of the Revised Code and whose deadly weapons or firearms are in the possession of a law 2339  
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enforcement agency may request the court to order the law 2343  
enforcement agency to sell one or more of the weapons or 2344  
firearms that lawfully may be sold, with the sale to be at 2345  
auction under division (A) (2) of section 2981.12 of the Revised 2346  
Code as if the weapons or firearms were unclaimed or forfeited 2347  
firearms in the custody of the agency, and to return the 2348  
proceeds to the individual. The request shall specify each 2349  
weapon or firearm the respondent wishes to be sold. 2350

(2) If the respondent requests a sale of one or more 2351  
deadly weapons or firearms under division (F) (1) of this 2352  
section, the court shall order the law enforcement agency having 2353  
custody of the specified weapons or firearms to sell the 2354  
specified weapons or firearms at auction under division (A) (2) 2355  
of section 2981.12 of the Revised Code as if the specified 2356  
weapons or firearms were unclaimed or forfeited weapons or 2357  
firearms in the custody of the agency, unless the serial numbers 2358  
of the specified weapons or firearms have been obliterated. 2359

(3) If a court issues an order under division (F) (2) of 2360  
this section, the court's order must require that all deadly 2361  
weapons or firearms that are subject to the order be sold not 2362  
more than three months after receipt of the order, and that the 2363  
proceeds of the sale be distributed as follows: 2364

(a) The law enforcement agency may retain not more than 2365  
three per cent of the sale price to pay the costs of the sale, 2366  
including administrative costs and the auctioneer's fee and, if 2367  
the agency retains any of the sale price under authority of this 2368  
provision, the remainder of the proceeds of the sale shall be 2369  
returned to the individual who owns the weapon or the firearm. 2370

(b) If the law enforcement agency does not retain any of 2371  
the sale price under authority of division (F) (3) (a) of this 2372

section, the entire amount of the proceeds shall be returned to 2373  
the respondent or individual who owns the weapon or firearm that 2374  
is sold. 2375

**Sec. 3113.30.** (A) No person shall file a petition for an 2376  
extreme risk protection order or an ex parte extreme risk 2377  
protection order under section 3113.27 of the Revised Code 2378  
alleging that respondent presents a significant risk, whether 2379  
imminent or in the near future, of committing suicide, 2380  
committing another form of serious self-harm less than death, or 2381  
causing physical injury to another person to such an extent that 2382  
the respondent should be temporarily enjoined from having in the 2383  
respondent's possession, custody, or control any deadly weapon 2384  
or any firearm if the person knows the allegation is false. 2385

(B) An individual injured in person or property by a 2386  
violation of division (A) of this section has, and may recover 2387  
full damages in, a civil action under section 2307.60 of the 2388  
Revised Code. A civil action described in this division is in 2389  
addition to, and does not preclude, any possible criminal 2390  
prosecution of the person who violates division (A) of this 2391  
section for the violation. 2392

**Sec. 3113.31.** (A) As used in this section: 2393

(1) "Domestic violence" means the occurrence of one or 2394  
more of the following acts against a family or household member: 2395

(a) Attempting to cause or recklessly causing bodily 2396  
injury; 2397

(b) Placing another person by the threat of force in fear 2398  
of imminent serious physical harm or committing a violation of 2399  
section 2903.211 or 2911.211 of the Revised Code; 2400

(c) Committing any act with respect to a child that would 2401

result in the child being an abused child, as defined in section 2402  
2151.031 of the Revised Code; 2403

(d) Committing a sexually oriented offense. 2404

(2) "Court" means the domestic relations division of the 2405  
court of common pleas in counties that have a domestic relations 2406  
division and the court of common pleas in counties that do not 2407  
have a domestic relations division, or the juvenile division of 2408  
the court of common pleas of the county in which the person to 2409  
be protected by a protection order issued or a consent agreement 2410  
approved under this section resides if the respondent is less 2411  
than eighteen years of age. 2412

(3) "Family or household member" means any of the 2413  
following: 2414

(a) Any of the following who is residing with or has 2415  
resided with the respondent: 2416

(i) A spouse, a person living as a spouse, or a former 2417  
spouse of the respondent; 2418

(ii) A parent, a foster parent, or a child of the 2419  
respondent, or another person related by consanguinity or 2420  
affinity to the respondent; 2421

(iii) A parent or a child of a spouse, person living as a 2422  
spouse, or former spouse of the respondent, or another person 2423  
related by consanguinity or affinity to a spouse, person living 2424  
as a spouse, or former spouse of the respondent. 2425

(b) The natural parent of any child of whom the respondent 2426  
is the other natural parent or is the putative other natural 2427  
parent. 2428

(4) "Person living as a spouse" means a person who is 2429

living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner,

and to the victim if other than the petitioner; 2458

(3) A request for relief under this section. 2459

(D) (1) If a person who files a petition pursuant to this 2460  
section requests an ex parte order, the court shall hold an ex 2461  
parte hearing on the same day that the petition is filed. The 2462  
court, for good cause shown at the ex parte hearing, may enter 2463  
any temporary orders, with or without bond, including, but not 2464  
limited to, an order described in division (E) (1) (a), (b), or 2465  
(c) of this section, that the court finds necessary to protect 2466  
the family or household member from domestic violence. Immediate 2467  
and present danger of domestic violence to the family or 2468  
household member constitutes good cause for purposes of this 2469  
section. Immediate and present danger includes, but is not 2470  
limited to, situations in which the respondent has threatened 2471  
the family or household member with bodily harm, in which the 2472  
respondent has threatened the family or household member with a 2473  
sexually oriented offense, or in which the respondent previously 2474  
has been convicted of, pleaded guilty to, or been adjudicated a 2475  
delinquent child for an offense that constitutes domestic 2476  
violence against the family or household member. 2477

(2) (a) If the court, after an ex parte hearing, issues an 2478  
order described in division (E) (1) (b) or (c) of this section, 2479  
the court shall schedule a full hearing for a date that is 2480  
within seven court days after the ex parte hearing. If any other 2481  
type of protection order that is authorized under division (E) 2482  
of this section is issued by the court after an ex parte 2483  
hearing, the court shall schedule a full hearing for a date that 2484  
is within ten court days after the ex parte hearing. The court 2485  
shall give the respondent notice of, and an opportunity to be 2486  
heard at, the full hearing. The court shall hold the full 2487

hearing on the date scheduled under this division unless the 2488  
court grants a continuance of the hearing in accordance with 2489  
this division. Under any of the following circumstances or for 2490  
any of the following reasons, the court may grant a continuance 2491  
of the full hearing to a reasonable time determined by the 2492  
court: 2493

(i) Prior to the date scheduled for the full hearing under 2494  
this division, the respondent has not been served with the 2495  
petition filed pursuant to this section and notice of the full 2496  
hearing. 2497

(ii) The parties consent to the continuance. 2498

(iii) The continuance is needed to allow a party to obtain 2499  
counsel. 2500

(iv) The continuance is needed for other good cause. 2501

(b) An ex parte order issued under this section does not 2502  
expire because of a failure to serve notice of the full hearing 2503  
upon the respondent before the date set for the full hearing 2504  
under division (D) (2) (a) of this section or because the court 2505  
grants a continuance under that division. 2506

(3) If a person who files a petition pursuant to this 2507  
section does not request an ex parte order, or if a person 2508  
requests an ex parte order but the court does not issue an ex 2509  
parte order after an ex parte hearing, the court shall proceed 2510  
as in a normal civil action and grant a full hearing on the 2511  
matter. 2512

(E) (1) After an ex parte or full hearing, the court may 2513  
grant any protection order, with or without bond, or approve any 2514  
consent agreement to bring about a cessation of domestic 2515  
violence against the family or household members. The order or 2516

agreement may: 2517

(a) Direct the respondent to refrain from abusing or from 2518  
committing sexually oriented offenses against the family or 2519  
household members; 2520

(b) Grant possession of the residence or household to the 2521  
petitioner or other family or household member, to the exclusion 2522  
of the respondent, by evicting the respondent, when the 2523  
residence or household is owned or leased solely by the 2524  
petitioner or other family or household member, or by ordering 2525  
the respondent to vacate the premises, when the residence or 2526  
household is jointly owned or leased by the respondent, and the 2527  
petitioner or other family or household member; 2528

(c) When the respondent has a duty to support the 2529  
petitioner or other family or household member living in the 2530  
residence or household and the respondent is the sole owner or 2531  
lessee of the residence or household, grant possession of the 2532  
residence or household to the petitioner or other family or 2533  
household member, to the exclusion of the respondent, by 2534  
ordering the respondent to vacate the premises, or, in the case 2535  
of a consent agreement, allow the respondent to provide 2536  
suitable, alternative housing; 2537

(d) Temporarily allocate parental rights and 2538  
responsibilities for the care of, or establish temporary 2539  
parenting time rights with regard to, minor children, if no 2540  
other court has determined, or is determining, the allocation of 2541  
parental rights and responsibilities for the minor children or 2542  
parenting time rights; 2543

(e) Require the respondent to maintain support, if the 2544  
respondent customarily provides for or contributes to the 2545

support of the family or household member, or if the respondent 2546  
has a duty to support the petitioner or family or household 2547  
member; 2548

(f) Require the respondent, petitioner, victim of domestic 2549  
violence, or any combination of those persons, to seek 2550  
counseling; 2551

(g) Require the respondent to refrain from entering the 2552  
residence, school, business, or place of employment of the 2553  
petitioner or family or household member; 2554

(h) Grant other relief that the court considers equitable 2555  
and fair, including, but not limited to, ordering the respondent 2556  
to permit the use of a motor vehicle by the petitioner or other 2557  
family or household member and the apportionment of household 2558  
and family personal property; 2559

(i) Require that the respondent not remove, damage, hide, 2560  
harm, or dispose of any companion animal owned or possessed by 2561  
the petitioner; 2562

(j) Authorize the petitioner to remove a companion animal 2563  
owned by the petitioner from the possession of the respondent; 2564

(k) Require a wireless service transfer in accordance with 2565  
sections 3113.45 to 3113.459 of the Revised Code. 2566

(2) If a protection order has been issued pursuant to this 2567  
section in a prior action involving the respondent and the 2568  
petitioner or one or more of the family or household members or 2569  
victims, the court may include in a protection order that it 2570  
issues a prohibition against the respondent returning to the 2571  
residence or household. If it includes a prohibition against the 2572  
respondent returning to the residence or household in the order, 2573  
it also shall include in the order provisions of the type 2574

described in division (E) (7) of this section. This division does 2575  
not preclude the court from including in a protection order or 2576  
consent agreement, in circumstances other than those described 2577  
in this division, a requirement that the respondent be evicted 2578  
from or vacate the residence or household or refrain from 2579  
entering the residence, school, business, or place of employment 2580  
of the petitioner or a family or household member, and, if the 2581  
court includes any requirement of that type in an order or 2582  
agreement, the court also shall include in the order provisions 2583  
of the type described in division (E) (7) of this section. 2584

(3) (a) Any protection order issued or consent agreement 2585  
approved under this section shall be valid until a date certain, 2586  
but not later than five years from the date of its issuance or 2587  
approval, or not later than the date a respondent who is less 2588  
than eighteen years of age attains nineteen years of age, unless 2589  
modified or terminated as provided in division (E) (8) of this 2590  
section. 2591

(b) Subject to the limitation on the duration of an order 2592  
or agreement set forth in division (E) (3) (a) of this section, 2593  
any order under division (E) (1) (d) of this section shall 2594  
terminate on the date that a court in an action for divorce, 2595  
dissolution of marriage, or legal separation brought by the 2596  
petitioner or respondent issues an order allocating parental 2597  
rights and responsibilities for the care of children or on the 2598  
date that a juvenile court in an action brought by the 2599  
petitioner or respondent issues an order awarding legal custody 2600  
of minor children. Subject to the limitation on the duration of 2601  
an order or agreement set forth in division (E) (3) (a) of this 2602  
section, any order under division (E) (1) (e) of this section 2603  
shall terminate on the date that a court in an action for 2604  
divorce, dissolution of marriage, or legal separation brought by 2605

the petitioner or respondent issues a support order or on the 2606  
date that a juvenile court in an action brought by the 2607  
petitioner or respondent issues a support order. 2608

(c) Any protection order issued or consent agreement 2609  
approved pursuant to this section may be renewed in the same 2610  
manner as the original order or agreement was issued or 2611  
approved. 2612

(4) A court may not issue a protection order that requires 2613  
a petitioner to do or to refrain from doing an act that the 2614  
court may require a respondent to do or to refrain from doing 2615  
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 2616  
this section unless all of the following apply: 2617

(a) The respondent files a separate petition for a 2618  
protection order in accordance with this section. 2619

(b) The petitioner is served notice of the respondent's 2620  
petition at least forty-eight hours before the court holds a 2621  
hearing with respect to the respondent's petition, or the 2622  
petitioner waives the right to receive this notice. 2623

(c) If the petitioner has requested an ex parte order 2624  
pursuant to division (D) of this section, the court does not 2625  
delay any hearing required by that division beyond the time 2626  
specified in that division in order to consolidate the hearing 2627  
with a hearing on the petition filed by the respondent. 2628

(d) After a full hearing at which the respondent presents 2629  
evidence in support of the request for a protection order and 2630  
the petitioner is afforded an opportunity to defend against that 2631  
evidence, the court determines that the petitioner has committed 2632  
an act of domestic violence or has violated a temporary 2633  
protection order issued pursuant to section 2919.26 of the 2634

Revised Code, that both the petitioner and the respondent acted 2635  
primarily as aggressors, and that neither the petitioner nor the 2636  
respondent acted primarily in self-defense. 2637

(5) No protection order issued or consent agreement 2638  
approved under this section shall in any manner affect title to 2639  
any real property. 2640

(6) (a) If a petitioner, or the child of a petitioner, who 2641  
obtains a protection order or consent agreement pursuant to 2642  
division (E) (1) of this section or a temporary protection order 2643  
pursuant to section 2919.26 of the Revised Code and is the 2644  
subject of a parenting time order issued pursuant to section 2645  
3109.051 or 3109.12 of the Revised Code or a visitation or 2646  
companionship order issued pursuant to section 3109.051, 2647  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2648  
this section granting parenting time rights to the respondent, 2649  
the court may require the public children services agency of the 2650  
county in which the court is located to provide supervision of 2651  
the respondent's exercise of parenting time or visitation or 2652  
companionship rights with respect to the child for a period not 2653  
to exceed nine months, if the court makes the following findings 2654  
of fact: 2655

(i) The child is in danger from the respondent; 2656

(ii) No other person or agency is available to provide the 2657  
supervision. 2658

(b) A court that requires an agency to provide supervision 2659  
pursuant to division (E) (6) (a) of this section shall order the 2660  
respondent to reimburse the agency for the cost of providing the 2661  
supervision, if it determines that the respondent has sufficient 2662  
income or resources to pay that cost. 2663

(7) (a) If a protection order issued or consent agreement 2664  
approved under this section includes a requirement that the 2665  
respondent be evicted from or vacate the residence or household 2666  
or refrain from entering the residence, school, business, or 2667  
place of employment of the petitioner or a family or household 2668  
member, the order or agreement shall state clearly that the 2669  
order or agreement cannot be waived or nullified by an 2670  
invitation to the respondent from the petitioner or other family 2671  
or household member to enter the residence, school, business, or 2672  
place of employment or by the respondent's entry into one of 2673  
those places otherwise upon the consent of the petitioner or 2674  
other family or household member. 2675

(b) Division (E) (7) (a) of this section does not limit any 2676  
discretion of a court to determine that a respondent charged 2677  
with a violation of section 2919.27 of the Revised Code, with a 2678  
violation of a municipal ordinance substantially equivalent to 2679  
that section, or with contempt of court, which charge is based 2680  
on an alleged violation of a protection order issued or consent 2681  
agreement approved under this section, did not commit the 2682  
violation or was not in contempt of court. 2683

(8) (a) The court may modify or terminate as provided in 2684  
division (E) (8) of this section a protection order or consent 2685  
agreement that was issued after a full hearing under this 2686  
section. The court that issued the protection order or approved 2687  
the consent agreement shall hear a motion for modification or 2688  
termination of the protection order or consent agreement 2689  
pursuant to division (E) (8) of this section. 2690

(b) Either the petitioner or the respondent of the 2691  
original protection order or consent agreement may bring a 2692  
motion for modification or termination of a protection order or 2693

consent agreement that was issued or approved after a full 2694  
hearing. The court shall require notice of the motion to be made 2695  
as provided by the Rules of Civil Procedure. If the petitioner 2696  
for the original protection order or consent agreement has 2697  
requested that the petitioner's address be kept confidential, 2698  
the court shall not disclose the address to the respondent of 2699  
the original protection order or consent agreement or any other 2700  
person, except as otherwise required by law. The moving party 2701  
has the burden of proof to show, by a preponderance of the 2702  
evidence, that modification or termination of the protection 2703  
order or consent agreement is appropriate because either the 2704  
protection order or consent agreement is no longer needed or 2705  
because the terms of the original protection order or consent 2706  
agreement are no longer appropriate. 2707

(c) In considering whether to modify or terminate a 2708  
protection order or consent agreement issued or approved under 2709  
this section, the court shall consider all relevant factors, 2710  
including, but not limited to, the following: 2711

(i) Whether the petitioner consents to modification or 2712  
termination of the protection order or consent agreement; 2713

(ii) Whether the petitioner fears the respondent; 2714

(iii) The current nature of the relationship between the 2715  
petitioner and the respondent; 2716

(iv) The circumstances of the petitioner and respondent, 2717  
including the relative proximity of the petitioner's and 2718  
respondent's workplaces and residences and whether the 2719  
petitioner and respondent have minor children together; 2720

(v) Whether the respondent has complied with the terms and 2721  
conditions of the original protection order or consent 2722

agreement;	2723
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	2724 2725
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	2726 2727 2728 2729
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	2730 2731 2732 2733 2734
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	2735 2736 2737 2738
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	2739 2740
(xi) The age and health of the respondent;	2741
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	2742 2743 2744 2745
(d) If a protection order or consent agreement is modified or terminated as provided in division (E) (8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or	2746 2747 2748 2749 2750

termination to the judicial and law enforcement officials in any 2751  
county other than the county in which the order or agreement is 2752  
modified or terminated as provided in division (N) of this 2753  
section. 2754

(e) If the respondent moves for modification or 2755  
termination of a protection order or consent agreement pursuant 2756  
to this section and the court denies the motion, the court may 2757  
assess costs against the respondent for the filing of the 2758  
motion. 2759

(9) Any protection order issued or any consent agreement 2760  
approved pursuant to this section shall include a provision that 2761  
the court will automatically seal all of the records of the 2762  
proceeding in which the order is issued or agreement approved on 2763  
the date the respondent attains the age of nineteen years unless 2764  
the petitioner provides the court with evidence that the 2765  
respondent has not complied with all of the terms of the 2766  
protection order or consent agreement. The protection order or 2767  
consent agreement shall specify the date when the respondent 2768  
attains the age of nineteen years. 2769

(F) (1) A copy of any protection order, or consent 2770  
agreement, that is issued, approved, modified, or terminated 2771  
under this section shall be issued by the court to the 2772  
petitioner, to the respondent, and to all law enforcement 2773  
agencies that have jurisdiction to enforce the order or 2774  
agreement. The protection order or consent agreement shall be in 2775  
a form that ensures that the protection order or consent 2776  
agreement is accepted into the protection order database of the 2777  
national crime information center (NCIC) maintained by the 2778  
federal bureau of investigation. The court shall direct that a 2779  
copy of an order be delivered to the respondent on the same day 2780

that the order is entered. 2781

(2) Upon the issuance of a protection order or the 2782  
approval of a consent agreement under this section, the court 2783  
shall provide the parties to the order or agreement with the 2784  
following notice orally or by form: 2785

"NOTICE 2786

As a result of this order or consent agreement, it may be 2787  
unlawful for you to possess or purchase a firearm, including a 2788  
rifle, pistol, or revolver, or ammunition pursuant to federal 2789  
law under 18 U.S.C. 922(g)(8). If you have any questions whether 2790  
this law makes it illegal for you to possess or purchase a 2791  
firearm or ammunition, you should consult an attorney." 2792

(3) All law enforcement agencies shall establish and 2793  
maintain an index for the protection orders and the approved 2794  
consent agreements delivered to the agencies pursuant to 2795  
division (F)(1) of this section. With respect to each order and 2796  
consent agreement delivered, each agency shall note on the index 2797  
the date and time that it received the order or consent 2798  
agreement. Each protection order and consent agreement received 2799  
by a law enforcement agency pursuant to this section shall be 2800  
entered into the law enforcement automated data system created 2801  
by section 5503.10 of the Revised Code, and known as LEADS, 2802  
within twenty-four hours after receipt. 2803

(4) Regardless of whether the petitioner has registered 2804  
the order or agreement in the county in which the officer's 2805  
agency has jurisdiction pursuant to division (N) of this 2806  
section, any officer of a law enforcement agency shall enforce a 2807  
protection order issued or consent agreement approved by any 2808  
court in this state in accordance with the provisions of the 2809

order or agreement, including removing the respondent from the 2810  
premises, if appropriate. 2811

(G) (1) Any proceeding under this section shall be 2812  
conducted in accordance with the Rules of Civil Procedure, 2813  
except that an order under this section may be obtained with or 2814  
without bond. An order issued under this section, other than an 2815  
ex parte order, that grants a protection order or approves a 2816  
consent agreement, that refuses to grant a protection order or 2817  
approve a consent agreement that modifies or terminates a 2818  
protection order or consent agreement, or that refuses to modify 2819  
or terminate a protection order or consent agreement, is a 2820  
final, appealable order. The remedies and procedures provided in 2821  
this section are in addition to, and not in lieu of, any other 2822  
available civil or criminal remedies. 2823

(2) If as provided in division (G) (1) of this section an 2824  
order issued under this section, other than an ex parte order, 2825  
refuses to grant a protection order, the court, on its own 2826  
motion, shall order that the ex parte order issued under this 2827  
section and all of the records pertaining to that ex parte order 2828  
be expunged after either of the following occurs: 2829

(a) The period of the notice of appeal from the order that 2830  
refuses to grant a protection order has expired. 2831

(b) The order that refuses to grant the protection order 2832  
is appealed and an appellate court to which the last appeal of 2833  
that order is taken affirms the order. 2834

(H) The filing of proceedings under this section does not 2835  
excuse a person from filing any report or giving any notice 2836  
required by section 2151.421 of the Revised Code or by any other 2837  
law. When a petition under this section alleges domestic 2838

violence against minor children, the court shall report the 2839  
fact, or cause reports to be made, to a county, township, or 2840  
municipal peace officer under section 2151.421 of the Revised 2841  
Code. 2842

(I) Any law enforcement agency that investigates a 2843  
domestic dispute shall provide information to the family or 2844  
household members involved regarding the relief available under 2845  
this section and section 2919.26 of the Revised Code. 2846

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2847  
section and regardless of whether a protection order is issued 2848  
or a consent agreement is approved by a court of another county 2849  
or a court of another state, no court or unit of state or local 2850  
government shall charge the petitioner any fee, cost, deposit, 2851  
or money in connection with the filing of a petition pursuant to 2852  
this section or in connection with the filing, issuance, 2853  
registration, modification, enforcement, dismissal, withdrawal, 2854  
or service of a protection order, consent agreement, or witness 2855  
subpoena or for obtaining a certified copy of a protection order 2856  
or consent agreement. 2857

(2) Regardless of whether a protection order is issued or 2858  
a consent agreement is approved pursuant to this section, the 2859  
court may assess costs against the respondent in connection with 2860  
the filing, issuance, registration, modification, enforcement, 2861  
dismissal, withdrawal, or service of a protection order, consent 2862  
agreement, or witness subpoena or for obtaining a certified copy 2863  
of a protection order or consent agreement. 2864

(K) (1) The court shall comply with Chapters 3119., 3121., 2865  
3123., and 3125. of the Revised Code when it makes or modifies 2866  
an order for child support under this section. 2867

(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(L) (1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions:

(a) Criminal prosecution or a delinquent child proceeding for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N) (1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N) (2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order or agreement is to be registered.

(b) Upon accepting the certified copy of the order or

agreement for registration, the clerk of the court of common 2927  
pleas, municipal court, or county court shall place an 2928  
endorsement of registration on the order or agreement and give 2929  
the petitioner a copy of the order or agreement that bears that 2930  
proof of registration. 2931

(3) The clerk of each court of common pleas, the clerk of 2932  
each municipal court, and the clerk of each county court shall 2933  
maintain a registry of certified copies of temporary protection 2934  
orders, protection orders, or consent agreements that have been 2935  
issued or approved by courts in other counties and that have 2936  
been registered with the clerk. 2937

(0) Nothing in this section prohibits the domestic 2938  
relations division of a court of common pleas in counties that 2939  
have a domestic relations division or a court of common pleas in 2940  
counties that do not have a domestic relations division from 2941  
designating a minor child as a protected party on a protection 2942  
order or consent agreement. 2943

**Sec. 3113.99.** (A) For purposes of this section: 2944

(1) "Child support order" means an order for support 2945  
issued or modified under Chapter 3115. or section 2151.23, 2946  
2151.231, 2151.232, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 2947  
3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised 2948  
Code. 2949

(2) "Obligor" means a person who is required to pay 2950  
support under a child support order. 2951

(B) (1) Whoever violates section 3113.06 of the Revised 2952  
Code is guilty of a misdemeanor of the first degree. If the 2953  
offender previously has been convicted of or pleaded guilty to a 2954  
violation of section 3113.06 of the Revised Code or if the court 2955

finds that the offender has failed to pay the cost of child 2956  
maintenance under section 3113.06 of the Revised Code for a 2957  
total accumulated period of twenty-six weeks out of one hundred 2958  
four consecutive weeks, whether or not the twenty-six weeks were 2959  
consecutive, a violation of section 3113.06 of the Revised Code 2960  
is a felony of the fifth degree. 2961

(2) Whoever violates division (A) of section 3113.30 of 2962  
the Revised Code is guilty of a misdemeanor of the first degree. 2963

(C) An obligor who violates division (D) (1) (c) of section 2964  
3113.21 of the Revised Code shall be fined not more than fifty 2965  
dollars for a first offense, not more than one hundred dollars 2966  
for a second offense, and not more than five hundred dollars for 2967  
each subsequent offense. 2968

(D) An obligor who violates division (G) (2) of section 2969  
3113.21 of the Revised Code shall be fined not more than fifty 2970  
dollars for a first offense, not more than one hundred dollars 2971  
for a second offense, and not more than five hundred dollars for 2972  
each subsequent offense. 2973

(E) A fine amount imposed pursuant to division (C) or (D) 2974  
of this section shall be paid to the division of child support 2975  
in the department of human services or, pursuant to division (H) 2976  
(4) of section 2301.35 of the Revised Code, the child support 2977  
enforcement agency. The amount of the fine that does not exceed 2978  
the amount of arrearage under the child support order shall be 2979  
disbursed in accordance with the child support order. The amount 2980  
of the fine that exceeds the amount of the arrearage order shall 2981  
be called program income and collected in accordance with 2982  
section 5101.325 of the Revised Code. 2983

**Section 2.** That existing sections 2151.34, 2903.213, 2984

2903.214, 2919.26, 2923.11, 2923.13, 2923.18, 2923.20, 2923.23, 2985  
3113.31, and 3113.99 and section 2923.14 of the Revised Code are 2986  
hereby repealed. 2987

**Section 3.** Section 2923.13 of the Revised Code is 2988  
presented in this act as a composite of the section as amended 2989  
by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th 2990  
General Assembly. The General Assembly, applying the principle 2991  
stated in division (B) of section 1.52 of the Revised Code that 2992  
amendments are to be harmonized if reasonably capable of 2993  
simultaneous operation, finds that the composite is the 2994  
resulting version of the section in effect prior to the 2995  
effective date of the section as presented in this act. 2996